THE ATTESTATION OF THE Most Excellent, and Most Illustrious Lord, DON CARLOS COLOMA, Embassadour Extraordinary for Spayne.

OF THE DECLARATION made vnto him, by the Lay Catholikes of England: Concerning the Authority challenged ouer them, by the Right Reuerend Lord Bishop of Chalcedon. 7h.

WITH 8°Z. 88.

THE ANSWERE OF A Catholike Lay Gentleman, to the Iudgment of a *Deuine*, vpon the Letter of the Lay Catholikes, to the sayd Lord Bishop of *Chalcedon*.



Superiorum permissu. M. DC. XXXI.

8° Z. 88. B.



The Approbation of the famous Preacher and Deuine, and most ancient amongst the Doctours of Diuinity of Sorbone now liuing.

SEeing the ground of this whole Controuersy among the English Catholiks is therin placed, that the Right Reuerend Lord Bishop of Chalcedon seemes to challeng more vnto himselfe, then is graunted by the faculties giuen him by the Sea Apostolike: from whence it comes, that out of the diuerse opinions & iudgemēts, which are with heat framed by many, there arise debats in this present tyme both dāgerous and hurtfull: To the appeasing & quieting whereof, no remedy seemes more to the purpose, then to make fully knowne to all, the true sense and feeling of the Catholikes, & that his Holynes doe more clearely lay open his mind concerning the faculties graunted to the sayd Right Reuerend Lord Bishop. To both which this present Declaration of the English Catholikes is most necessary: therfore I iudge it worthy to be published in print, that it may be perused of all. Dated at Tornay the 29. of April 1631.

Iohn Boucher Sorbone Doctour in Diuinity, Chanon and Archdeacon in Tornay, and Censor of Bookes.

THE DECLARATION OF THE *Lay Catholikes of* England; *concerning the Authority challenged ouer them, by the Right Reuerend Lord Bishop of* CHALCEDON.

WEE Lay Catholickes of the realme of *England*, haue vnderstood from sundry parts of the Christian world, that a foule aspersion is cast vpon our honour & reputation, for that we are iudged to frame a lesse reuered conceit of Episcopal Authority

thority, and iurisdiction, and not to render it that Obedience, which may be thought fit. The only cause of this, is taken from thence, that we refuse to submit our selues to that power & Authority which the Right Reuerend Lord Bishop of *Chalcedon* hath long since pretended, as due vnto his place; and to the which (as we are assured vpon strong motiues) he still layeth clayme, taking it as graunted him from the See Apostolike. This pretended Authority of his, hath byn maintayned by sundry Treatises, as well written, as printed, which warrant his Ordinarishipp, and assure him of as much power, as is granted to other Ordinaries, in what Catholike Diocesse soeuer, and warne vs that the same Obedience is to be performed towards him on our part. Moreouer we are told, that hitherto we were not a Church, as long as we wanted a particular Bishop; but a flocke without a Pastor, an Army without a Generall, a Ship without a Pilot, a spirituall kingdome without a spirituall king, a family without the good mā of the house; in a word, no true, or perfect Christians.

And

And although, as soone as we had returned an answere to a Letter sent vs from my Lord Bishop, presently diuers scandalous wrytings (which his Lordship neuer sought to suppresse, nor seemed to dislike of) were spread abroad, and wherin traduced with no small disparagement to our reputation, and preiudice to our cause, especially in the opinion of the vnlearned; yet we chose rather to forgoe our proper, and priuate interest, then by standing out with vehemency for our owne right, eyther affoard vnto others a subiect of scandall, or giue way to the daunger of an ensuing Schisme. Wherfore in silence we left the decyding of this matter to those, who by their Higheſt power in the Church of God, were as well his Lordships, as our Superiours. But seeing there haue not wanted many both at home and abroad who in a matter nothing belonging to them, and who could not so much as pretend any Authority ouer vs, haue notwithstanding vsurped the freedome of giuing iudgment in our cause, with great domage to our fame and honour, which

we endeare aboue our liues; we haue thought good to declare and auouch entierly, and faithfully before God and man these ensuing points.

First, we sincerely beleeue & professe that Episcopall Authority in the Catholick Church was ordained by God, and, as it beseemeth good Catholickes, we honour it with all reuerence; and daily beg with our best wishes, that the diuyne Goodnes will once be pleased to send a tyme, in which that authority, which is truly giuen, and which we account full necessary in the Catholick Church, may safely be established amongst vs, and we without increase of persecution, acknowledge it, and as humbly submit our selues vnto it, as they do, who liue in coūtries not liable to lawes enacted against Religion, of which kind very many, and those seuere and capitall, be heere with vs in force. Which fauour, if we could but obteyne of his diuine Maiesty, truly we should esteeme our selues thrice happy.

Furthermore we declare openly, that for as much as belongeth to the Right Reuerend Lord Bishop of *Chalcedon*, we honour

honour and reuerence him in all duty, & take him to be a true Catholick Bishop, sent hither by the sea Apostolick to administer the Sacrament of Confirmation, & as we thinke, to gouerne that part of the Clergy, which is cõmitted to his charge; but not to be our Ordinary, either after an ordinary or extraordinary mãner, because we in no case beleeue, that any such thing hath bin hitherto declared by the sea Apostolicke, seeing that the tymes, into which we are fallen, do no wayes permit vs to obey such Authority, without endangering the losse of our goods, & such a losse, as cannot be recouered. Neither do we only thinke, that the Sea Apostolick hath not as yet, bestowed any such office, power, or authority vpon the Right Reuerend Lord Bishop of *Chalcedon*; but moreouer we rest assured, that it is not the intentiõ of his Holines to grant it him hereafter, vntil those times returne, which may promise, that this power will rather serue to support Religion, then to ouerthrow it; and vntill it may be lawfull for vs to imbrace it freely, without so many, & so great difficulties and dangers, which

as things now ſtand, is altogeather impoſſible, for ſundry and weighty Reaſons alledged by vs in the Letter aforemẽtioned in the beginning of this cõtrouerſy to my Lord Biſhop of *Chalcedon*; which for that the Reader ſhould not peraduẽture light on, or we be inforced, often to repeate the ſame thing, we thought good to ſet downe in this place a Copy thereof, togeather with a certayne Declaration made, and preſented to my Lord *de Chaſteau-neuf* his Excellency, at that tyme the moſt Chriſtian Kings Embaſſadour Extraordinary in *Englãd*, before whome many Catholicks & ſome of chiefe dignity & eſteeme amongſt vs, acknowledged the ſame for their owne. So as the iudicious and vnpartiall Reader will eaſily perceaue the ſtate of our cauſe, which was the thing we aymed at, by adioyning this Declaration.

In the meane tyme, ſeeing for diuers reſpects we haue not the freedom to preſent our ſelues in perſon, & hũbly so lay downe our owne Cauſe before his Holines; we beſeech thoſe Catholiks who are lyke to fynd freer acceſſe vnto him, and

who

who shall light vpon these wrytings, to be intercessours for vs vnto his Holines, that he will vouchsafe to expresse his mind, and giue sentence of this controuersy, which we now haue with the right Reuerend Lord Bishop of *Chalcedon*, to the end, all occasions of further scandall & dissention may be entierly cut off, & quyte remoued; as we hope they will, if his Holynes will be pleased to giue it in such a manner, as his resolution may be publickely diuulged, and openly made knowne to all. For if it be only expressed in priuate, ech party may eyther affirme or deny what they thinke good; so that the strife begun will rather take increase by that meanes, then be any whit extinguished, as experience hath cleerly taught vs hitherto.

Moreouer, we most earnestly craue, that in our behalfe they will humbly beseech his Holines, not to resolue of any thing in this busines, wherby our Kings most Excellent Maiestyes indignation, may be prouoked against vs, or we brought yet further into his displeasure. Lastly, we intreat them not to censure

or condemne these our proceedings, with disparagment to our honour & esteeme, seeing we haue alwaies yet byn ready, as the whole world may witnesse, to lay downe, with all humility, our very liues & fortunes, whensoeuer a iust cause, for the defence of our faith, shall require it.

REASONS GIVEN

to Monsieur de Chasteau-neuf *Embassadour Extraordinary of the most Christian King, to shew that the Authority of a Catholike Ordinary heere in* England, *is incompatible with this tyme & place.*

Iuicio Aug. 1627.

FIrst we professe in the sight of God, that from our harts we reuerence Episcopal Authority, as knowing it to be Gods institution, and that we vnfaynedly wish the times were such as we might submit our selues thereto: & whatsoeuer hath byn sayd of vs to the contrary, is very slanderous.

In the next place, we do with all reuerence and humility declare, that accor-

ding to the lawes and ſtate of this Kingdome as now they are, we conceaue that the authority and iuriſdiction of an Ordinary is not only inconuenient, and vnuſefull, but impoſſible to be executed, & ſo dangerous to be obeyed, nay euen acknowledged, as that we cannot be obliged thereunto. And we do verily belieue & that vpon many and weighty reaſons, whatſoeuer hath byn affirmed to the contrary that his Holynes hath had no intention to oblige vs vnto it, nor will, after information how things ſtand heere.

There are heere many Statutes of the Kingdome in force, which make it highly penall in ſome caſes with loſſe of goods & liberty, and in others of life, to acknowledge any other Authority or Iudicature, then ſuch as by the ſame ſtatuts are authorized, which though we are obliged not to regard, when there is queſtion of any doctrine of fayth; yet when a man ſhall run hazard of vtter ruine, for admitting and acknowledging of externall iuriſdiction and authority which importeth not faith, but practiſe of things not neceſſary but according to tyme and

place we conceaue that we cannot be obliged to imbrace it.

If it be sayd, that it is Capitall for a man to receaue a Catholique Priest into his house, and that yet many receaue them with all the hazard, and that therefore we might aswell receaue an Ordinary into our houses, acknowledging his Authority. The answere will make it appeare, that the obiection proueth nothing agaynst vs. For first it is certayne, that euen for the reason of being so Capitall, and that there are so many lamentable examples among vs, not only of friends who haue discouered and betraied other friends for receauing Priests, eyther for interest, licentiousnesse of lyfe, reuenge, frailty, or for some other passion; but of Seruants, who haue betrrayed their Maysters, Nephews, Vncles, Grandchildren & children their Parents, Daughters their very Mothers, yea and euen Priests themselues somerymes, who haue fallen and betrayed Catholikes; we neyther are nor can by any humane authority be obliged to take Priests into our houses. Many of vs indeed do it out of

deuo-

deuotion and zeale, for the comfort of our ſoules, by celebrating Maſſe and receauing the moſt neceſſary and daily Sacraments, and many of vs alſo do it not. But howſoeuer, we thinke it a very ill conſequence to inferre, that therefore a man is, or may be obliged with the hazard of his eſtate of lyfe to acknowledge or ſubmit to the Authority of an Ordinary, for the practiſe of ſome thinges without which we yet finde by experience, and Gods grace, we haue alwayes ſubſiſted in theſe ſad tymes, becauſe forſooth out of voluntary deuotion & zeale, many of vs are contēt, to run the higheſt hazards in receauing of Prieſts; for the ſo neceſſary and dayly exercise of our Religion, through want whereof we alſo find by experience of *Saxony* & *Denmark*, and many other countries in *Germany*, Religion hath in effect wholy fayled.

Beſides, a Prieſt who is a Perſon of our owne election, being firſt authorized as fit and capable by the Sea Apoſtolicke, may haue entrance into our houſes, and exerciſe his function, in a much more priuate and ſafe manner then it is poſſible

for an Ordinary to doe, especially when he will carry himselfe as Ordinary. For in that case, besides seruants there must be alwayes Officers, parties and witnesses, who do not all, and euer vow so much as discretion, or yet to continue constant in the Catholicke fayth. And for our parts the dangers being such as they are, it will be impossible to secure vs in this poynt, where sometymes it happeneth that an vndiscreet word vttered euen without ill meaning may turne to our losse of goods and life.

Besides, if we could abstract from the danger of offending the State, it is to be considered, that our Mariages and Testaments, and the lyke are made lyable heere to those Ecclesiasticall Courts and Tribunals which are setled by the lawes of this Kingdome, and are executed by certayne Chancellours, and Commissaries for that purpose, who may often oblige and sentence vs in the affirmatiue, whereas a Catholike Ordinary, or Iudge would perhaps do it in the negatiue, and so we should be tossed betweene two pockes,

Agayne, if a Catholicke Ordinary should pronounce any sentence, at which the party might be greued, which must needs occurre somtimes; his final remedy would be an appeale to *Rome*, which yet it would be Capitall for him to make, besides the charge of prosecuting such a suite, and the impossibility for the most part of vs, so much as to send, or write to a place so distant, and so contradicted by the State heere, for the bringing of such a suite to an end. And to shew both the inconueniences and impossibilities of executing the power of a Catholicke Ordinary in such a tyme and place as this, we thinke it very considerable to reflect vpō many Catholicke Bishops, who sustained the Reigne of Queene *Marie* of happy memory, and liued heere many yeares in Queene *Elizabeths* tyme, after the chāge of Religion, and yet there is no memory that any of them did euer practise any power of Ordinary, within his owne Diocesse *in foro externo contentioso*, which yet it is cleare he had, and whereof he could not be depriued without personall demerit. & if hauing this Authority they

were so far from excuting it, it is morally certain, that if they had not had it, they would neuer haue sought it in these times.

And thus much, to auoyde greater length, for the shewing, that the authority of a Catholicke Ordinary in this tyme and place is impossible, eyther to be imposed or obeyed, and extremely inconuenient withall, euen if it were possible. To wch this only word may also be added, that euen in the most cleare cases, & which might appeare to be most easy, and might be carryed in the most priuate manner, as namely when any Catholike shall lead a scandalous life, or that men shall dissent from their wyues, or the like, we leaue it to consideration, whether as the lawes stand heere, a Catholike Ordinary, as an Ecclesiasticall Iudge can now discreetly thinke it fit to reduce this man by any compulsory way, least thereby he may be made worse. But we heare some of the Lord Bishop of *Chalcedons* Officers say, that although he be Ordinary, and haue the authority and iurisdiction belonging to that quality, yet he will not exer-

exercise the same.

To this we answere, first, that if the authority be not to be executed, no reaſō can be giuen why it should be graunted, when so many reasons are to be felt, why it must be so inconuenient and impossible. Secondly, we conceaue it not inough to say it shall not be executed, because if it be extāt, the state is put into iealosy therby, as appeareth by the last Proclamatiōs agaynst the Lord Bishop: and it will disdayne this answere at our hands; We acknowledge such an Authority, but the Ordinary who hath it, giueth his word that he will not execute the same. Thirdly the statutes of the Kingdom fal so penaly as hath byn layd not vpon such only as submit themselues to the execution of the layd Authority, but vpon such also as acknowledge the same.

Fourthly, the Catholique Ordinary may resolue this day not to execute his Authority, yet may to morrow thinke fit to do it, with euident daunger to vs of the Laity, whereof it must be intended, that wee our selues can iudge best, as whome it concerneth most. Fifthly, this

kind

kind of Authority is not to be acknowledged, or so much as secretly admitted, though vpon promise to forbeare the practise, because the State is euer wont vpon any new Bul, or the declaring of any new authority, or any occasiō like this to question Catholikes who shall come before thē, with great rigor, how far they approue of the contēts of such a Bul, or consent to any such Authority. Many haue formerly beene entrapped & greatly preiudiced, vpon such occasions; and so may probably be heerafter vpon this: and if it should be denyed and forsworne, which all men who may be examined will not easily do, if indeed they approue such a thing; yet will not that denyal or oath be any way available where proofe may be made to the contrary. Besides that, if this Authority should be conceiued to be heer on foote, the Protestāt Bishops would be much more actiue in persecutiō of Catholiks, as finding their particular interest to be more immediatly touched by this, thē by any other thing forbiddē by the lawes of the Kingdome: and we palpably find by experience, that vpon their knowledg

that there is a Catholike Bishop heere, who calleth himselfe Ordinary of this Kingdome, the Pursuiuants are authorized to be much more busy, & vpon pretece of searching for the Bishop, to search many houses, & to take many Priests, after whome otherwise they had not looked.

These few Considerations we haue chosen out of many which occur familiarly vnto vs, but which for breuities sake we haue omitted, that so your Excellency may be briefly informed of this affayre; beseeching you, to procure our peace and safety, by keeping such an inconuenience still from vs, as it would be, for vs to acknowledge the authority of an Ordinary in this time & place, & vnder these Lawes; & that you will be pleased to consider the Letter of the lay Catholiques, which was preseted by way of answere to the former Letter of the Lord Bishop of *Chalcedon* to them; which answere we vnderstand to haue beene deliuered to your Excellency since your cōming hither, and we auow that the said answere is the sense of vs, and in effect of

as many of the worthy and eminent men of our Communion as we know; & that the three persõs who first deliuered it for the sayd Lord Bishop, to a chiefe person of his Body, are men very remarkable for piety, prudẽce, constancy in the Catholique faith, Birth, Estate, and Reputation heere, with all good men we meane, although they be but euen morally good of both religions; and that they are no such kind of people, as very passionately and iniuriously they haue beene traduced to be; and the same we are informed hath been manifested to your Excellẽcy since your arriuall, by persons of the greatest ranck of our religion heere in England.

We leaue this point also vnto your Excellency to iudge off, whether those Catholiks, if any such there be, who think it fit, to admit of the Authority of an Ordinary in this Kingdome, as things now stand, may be compared with vs, either for degree, quality, or number, who think the contrary. Nay we are sure, that though some, when peraduenture they be asked, whether they wil acknowledg the Bishop of *Chalcedon* for their Pastour,

or Ordinary, or the like, will answere, they will either becauſe they haue nothing to looſe, or becauſe the ſtate of the Queſtion is not rightly propounded vnto thē, or els not explicated, what that power of Ordinary may cōteyne in it ſelf, or what penaltyes may thereupon enſue: Yet among thoſe who vnderſtand the matter, and are men iudicious, and withall of meanes, there will hardly be one found, who will not thinke as we do.

A COPY OF THE LAT

Catholikes Letter, ſent to my Lord Biſhop of Chalcedon, *whereof mention is made in the former Declaration.*

Right Reuerend Father in God.

VVEE haue ſeene a Letter of your Lordſhips of the 16. of October, Anno 1627. directed to the Lay Catholiques of this Natiō: ſo much therof as doth not immediatly cōcern our ſelues, we ſhal endeauour to lay aſide; but for as much as there is other matter which importeth our perſons

and posterity, with all that which can be deare vnto vs in this world, we shal most humbly declare, what sense we haue, and what iudgment we are inforced to make thereof. Your Lordships letter consisteth of foure points, whereof we conceiue the second principally to concerne vs, which is of your Authority as Ordinary, deliuered by you vnto vs in these words: » As for the Authority, wherewith I de- » maunded it; that is as great, as any Or- » dinary hath, or can haue to demand the » same of Regulars, or Dioceſſe. 2. And » makes me a Iudge *in prima instantia*. 3. » And therby makes me as true & absolute » an Ordinary in Englād as other Ordina- » ries are in their Dioceſſe. 4. By my Briefe » it is cleere that I am delegated by his Ho- » linesto an vniuersality of causes belōging » to Ordinaries. 5. And haue been styled by » the Cardinals *de propaganda fide, Ordinarius Angliæ & Scotiæ.* These passages with the whole scope of the second part of your Lordships letter, argue your Lordship to assume your Authority ouer the Lay Catholiques, to be as great in England and Scotland, as any Ordinaries exercised heere

heere in Catholique tymes, and now is exercised in Cath. Countreys. The extent of this assumed Authority concerning the Laity, we shall humbly craue leaue to lay open to your Lordship. First, an Ordinary hath power of questioning & prooving of Wills. Secōdly, of granting administratiōs. Thirdly, of deciding of Controuersies of Tythes. Fourthly, of Cōtracts, Mariages, Diuorces, Alimony, Bastardy. And fifthly of slaunders, with many others: in all which causes, examinations are to be taken vpon oath, and sentences and censures will follow. Now cōtrouersies of this nature haue mixture with temporall Authority, concerning our temporall Fortunes, and haue beene by our temporall Lawes & Statutes so assisted, altered, and directed both in the tyme of our Cath. and Protestant Princes, as hath seemed conuenient to the Church and state of these Kingdomes from tyme to tyme. All which are so already setled, as innouation is most dangerous, as being contrary both to diuers ancient and moderne lawes. Now, since the erecting of a tribunal about the administring & course

of iuſtice eyther diſtinct, and much more if it be cõtrary to our lawes, is an offence of high Treaſon, & that all they who ſubmit and conforme themſelues thereunto may be drawne within the cõpaſſe therof, or of miſpriſion of Treaſon, or Premunire at leaſt, if they haue any litle priuity or participation thereof. Beſides that, the execution of the Authority of this new Tribunall in ſo many caſes as will dayly ariſe, alloweth no poſſibility of ſecreſy, and wil prouoke the preſent gouernment to an exact ſearch after it, and ſuppreſſion thereof. It may therefore eaſily appeare to your Lordſhip, how dãgerous it is for the Layty to ſubmit, & conforme it ſelfe thereunto, and vnſafe euen to haue been ſo long ſilent to your Lordſhip, by whome it hath beene ſo claymed, & publiſhed. Moreouer, the inconueniences muſt be great which were to follow out of the contrariety of ſuch ſentences, as would often happen between your Lordſhips Courtes, and the Courtes of this Kingdome. Theſe dãgers are ſo knowne, & by vs haue been ſo maturely conſidered, that they admit no further queſtion

there-

thereof. And if they had been ſo vnder-ſtood abroad (togeather with the conſideration of our long ſufferings, and preſent eſtate of miſeryes) we preſume no ſuch Authority would haue beene impoſed vpon vs. Neyther can we be perſwaded, that there is a neceſſity of conforming our ſelues thereunto, as to a matter of Fayth; or yet we can be obliged, to looſe our eſtates and ruine our poſterities where the neceſſity of faith doth not oblige vs. We alſo moſt humbly beſeech your Lordſhip to beleeue, that this which weheer do repreſent vnto you, is the ſenſe of the Laity, and we deſire that it may be made knowne both heere & abroad, frō which we cannot recede for the reaſons formerly expreſſed. To the reſt of your Lordſhips Letter, not ſo directly concerning the general eſtate of the Lay Cath.[o] but rather the Regulars, we humbly beſeech your Lord.[p] that we may not be called into more intereſt & preiudice therby, thē we were in the time of your Lordſhips Predeceſſour, and that theſe differences may be carried with ſuch charity, ſweetnes, candour, and without noyſe, as may

ad-

aduance that vnion, wherin your Lordships desires and ours are to meete, for the greater good of our Countrey. And thus we must humbly take our leaues of your Lordship.

Your Lordships

most obseruant,

The Lay Cath. of England.

A LIKE DECLARATION MADE BY the ſaid Lay Catholikes of England, to the moſt Excellent, and moſt Illuſtrious Lord, the L. Marques de Fõtany, *Embaſſadour to his moſt Chriſtian Maieſty, and other Ordinary Embaſſadors of Catholike Princes in England.*

CONCERNING

The ſaid Authority of Ordinary, *pretended by the Right Reuerend Lord Biſhop of* Chalcedon.

HAuing vnderſtood theſe days paſt, by the teſtimony of ſundry witneſſes of credit that a grieuous ſlaunder is layd vpõ vs the lay Catholicks of England, both at home and beyond ſea, aṡ if we did not reſpect, and reuerence Epiſcopall Authority and Iuriſdiction, as it behoueth good

Catholicks, & this vpon no other groūd, as we are well assured, then that we refused to acknowledge the pretended authority, & iurisdiction of my Lord of *Chalcedon* ouer vs; we thought it a part of our duety, both to God and our selues, to declare, as well how deeply we resent the slaunder, as what is our iudgement concerning the questions now in cōtrouersy betweene vs and my Lord of *Chalcedon*: which feeling, and iudgement of ours, we summarily represented before, to the most Excellent Lord Marques *de Fontany* Ordinary Embassadour, for the most Christian King, in this Court; and now very lately also we opened the same more at large to the most Excellent Lord Don *Carlos Coloma* extraordinary Embassadour for the Catholick King in the same Court, who hauing before hastened his departure out of this Kingdome, & being now hourely to depart we were forced to dispatch this matter in his presence without delay. And now we desire to aduertise the courteous reader, that we haue thoght good to make the same Declaration fully and distinctly to the sayd most Excellent

Lord

Lord Marques *de Fontany* Embaſſadour Ordinary for the moſt Chriſtian King, & to the other Embaſſadours and Agents of Catholique Princes reſidēt in this Court. Wherupon ſome of higheſt Ranke in the name of many others, deliuered to the ſayd Embaſſadours, and Agents, a Copy both of the Letter aboue printed, in the which we anſwered my Lord of *Chalcedōs* Letter vnto vs, and of a certaine wryting alſo heere printed, which about ſome two yeares paſt, many of prime Nobility had preſented to the moſt Excellent Lord *de Chaſteau-neuf*, then Extraordinary Embaſſadour for the moſt Chriſtian King in this court, profeſſing themſelues Authors thereof. To the end that by theſe meanes it may be made knowne, as well to the Embaſſadours themſelues, as by them to the whole world, how great a wrong, we conceaue to haue bin done to our Chriſtian reputatiō, by the ſpreading of theſe falſe reports. And alſo what our opinion and iudgement now at this preſent is, of the queſtions in controuerſy between vs & my Lord Biſhop of *Chalcedon*, touching the pretended Authority and iuriſdiction

chalenged by his Lordship ouer vs; which that it might the more plainly appeare, we iudged it not only expedient, but also necessary, to declare our minds, by this way & course, that we haue taken.

THE ATTESTATION.

I IOHN *Mallery Gentleman, do witnes and teſtify, that I was preſent at* London, *in the Houſe of the moſt Excellent, & moſt Illuſtrious Lord,* Don Carlos Coloma, *extraordinary Embaſſadour for the King of* Spaine, *the* 3. *day of March* 1631. *ſtylo nouo; when as ſundry Catholike Noblemen, and others of quality, there preſent, did produce written in latin, the* Declaration, Reaſons, *and* Letter *heere aboue ſet downe. All which, being diſtinctly pronounced in preſence of the forſayd Embaſſadour, and all and euery thing therein expreſed (for as much as belongeth to the Cõtrouerſy concerning the pretẽded Authority of the Right Reuered Lord Biſhop of* Chalcedon, *ouer the Lay Catholikes of England) the forſayd Gentlemen and Noblemen declared fully and perfectly, to conteyne the ſenſe and meaning not only of themſelues there preſent, but in effect, of all others whome they knew; and namely of many Earles, Vicounts, Barons, & other men of Quality whome they named vnto the ſayd Embaſſadour. And they declared themſelues to notify vnto him the*

mynd and ſenſe of them all to be fully expreſſed in the ſayd Declaration, Reaſõs & Letter, *and that they had receaued full power & Authority from them ſo to do. And the Embaſſadour himſelfe did then openly profeſſe to haue vnderſtood the ſame things, from many of thoſe Lay Catholikes, whome they had named; nor did he doubt at all, of the truth of the whole matter; which he tooke vpon him, as they requeſted, to make publicke.*

Iohn Mallery.

THE aboue named *Iohn Mallery*, Gentleman of the Engliſh Nation, appearing perſonally before the Maior, Magiſtrates, and Griffiers of the Citty, and Territory of *Saint Winocks-Berge* in the Weſt-County of *Flanders*, did vpon Oath, affirme the things aforeſayd, and in teſtimony thereof in our preſence ſubſcribed & ſigned the ſame. In Witnes whereof, we appointed the Seale vſed in Cauſes of our forſayd Citty and Territory, to be ſet vnto this preſent Writing, and to be ſubſcribed by the Griffier our Notary. This 15. day of March 1631.

Locus ✠ Sigilli. *Joannes Hardenius.*

THE ATTESTATION

Of the moſt Excellent, and moſt Illuſtrious Lord, *Don Carlos Coloma.*

D. Carlos Coloma *Knight of the Military Order of* S. Iames, *Commendador of* Montyelo & Oſſa, *of the Counſell of State, and Warre to his Sacred Catholike Maieſty, Captaine Generall of his Armyes in the* Low Countreys *&c.*

We do witneſſe and teſtify, whilſt, of late, we reſided, as Embaſſadour Extraordinary in the Court of the Renowned King of Great Brittaine, *the forſaid* Declaration *to haue byn exhibited vnto vs in our Houſe at Londõ, the 3. day of March of this preſent yeare 1631. by many lay Catholikes of chiefe rãke in their Countrey, and the ſame to haue byn approued and confirmed by diuers Engliſh Noblemen, by word of mouth, as well in their owne, as in the Name of others; in which reſpect we ratify the* Atteſtation *of* M. Iohn Mallery *an Engliſh Gentleman, added vnto the end of the ſaid* Declaratiõ, *being in like mãner alſo authentically confirmed by the Magiſtrate of S. Wi-*

wocks-Berge: & in witnesse of the truth of all and every the premisses, as they were done, we haue hereunto put our hand, and seale. Giuen at Bruxells the 2. day of April, in the yeare of our Lord 1631.

Don Carlos Coloma.

Locus ✠ Sigilli.

By Command of my most Excellent Lord.

Fran. Schelen.

Printed at Bruxells, by the widdow of Hubert Antony, sworne Printer, at the signe of the Golden Eagle, neere to the Pallace. M. DC. XXXI.

THE ANSVVERE OF A CATHOLIKE LAY GENTLEMAN,

To the Iudgement of a Deuine; *vpon the Letter of the Lay Catholikes, to my Lord Bishop of Chalcedon.*

By L. B.

Anno M. DC. XXXI.

wocks-Berge: & in witneſſe of the truth of all and euery the premiſes, as they were done, we haue heereunto put our hand, and ſeale. Giuen at Bruxells the 2. day of April, in the yeare of our Lord 1631.

Don Carlos Coloma.

Locus ✠ Sigilli.

By Command of my moſt Excellent Lord.

Fran. Schelen.

Printed at Bruxells, by the widdow of Hubert Antony, ſworne Printer, at the ſigne of the Golden Eagle, neere to the Pallace. M. DC. XXXI.

THE ANSVVERE OF A CATHOLIKE LAY GENTLEMAN,

To the Iudgement of a Deuine; *vpon the Letter of the Lay Catholikes, to my Lord Bishop of Chalcedon.*

By L. B.

Anno M. DC. XXXI.

THE ANSWER OF A CATHOLICK LAY GENTLEMAN,

To the Indictment of a Deputy upon the Laws of Charles, Henry Lord B. Bishop of Chalcedon.

By I. D.

Anno M. DC. XXXI.

THE PREFACE to the Reader.

GENTLE READER,

Lighting of late vpon a litle writte Treatise intituled, The Iudgmēt of a *Deuine* vpō the 3. Gentlemens Letter to my Lord Bishop of Chalcedon, *I tooke and read it, thinking to find somewhat more then Ordinary in it. For hauing heard much talke of that matter (being now in euery mans mouth) & seene also something written, but not to much purpose; now finding a Booke, with the Title of a* Deuine, *I presumed he would say something more then others had done. But whē I came to read him, I found him, but like other men of his owne syde; and particulerly so like the Lay Gentleman, T. M. his Iudgement vpon the same Letter, that I began to thinke it might be*

the very same man; the style, discourse, and as I may say, spirit, wherewith both are written, being the same.

And that because then, that seeming to be but some Lay Gentlemans doing, men made small account of it, not vouchsafing it so much as one word of answere; Now the same party would speake a little lowder to be heard, writing ouer the same somewhat more dilatedly, and inserting a little Latin in some places, and taking vpon him the person of a Deuine; *for the substance of both, is the same; and accusing worthy Catholique Gentlemen of* Passion, Temerity, Pretense of daunger, Partiality to Regulars, want of respect to Episcopal Authority, *and the like: and all this vttered with so litle reason & truth on the one side, and so much gall and bitternes on the other, as that I could not but be sorry, and ashamed to see such a thing with the Title of a* Deuine.

For if such manner of writing ill beseeme any Christian mā, how much worse a Deuine, *who is to be a light of the world, teaching men sobriety, and temper, by word and example, hauing truth and reason with him, in what he sayth and writeth; and deliuering it in such sort, as the manner may not betray the matter.*

ter, by shewing any distempered affection. For euen that will much derogate from his writing, though what he writeth should otherwise be true. For euery man knoweth what a mist Passion is wont to cast before mens eyes, and how hard it is for a passionate man to speake truth, and nothing but truth. And this is so much more daungerous, where it concerneth the credit & reputation of other men: which how nice a point it is, and how soone, & how grieuously a man may offend in it, no Deuine *can be ignorant; and especially, when the party discouereth but so much of himselfe as may gayne himselfe credit, and thereby giue more force to the slaunder, or imputation (as the wryter doth, stiling himselfe* Deuine;) *and on the other syde so concealing his particuler person, that the partyes grieued know not of whome to complayne, nor where to haue remedy.*

And whereas it was to be expected of a Deuine, *that he should handle the matter substantially and solidly, I found no such thing heere, but euen the very mayne Question for the most part mislated. For the Controuersy being of the Authority of* Ordinary, *as* Ordinary, *how it may stand with the safety of Catholiques in these tymes, and vnder these*

lawes; the writer flyeth from it to Episcopall Authority in generall, Obedience to lawfull Pastours, Gouernement of the Church, and the like; whereof no man maketh any doubt. Or if he happen a litle to touch the point, he doth but touch it, and so slenderly, that any man may see he hath not much confidence in his cause, but seeketh rather to carry it by the Title, then reason of a Deuine.

Wherefore finding my selfe euery way deceyued of my expectation, both for the matter and manner; and considering on the one side the harme, which euen the bare Name, or Title of a Deuine *might do, among many that looke not farre into things, and the wrong that it might do to those three worthy Persons, and zealous Catholiques in particuler, against whome this writyng is chiefly intended, and to the cause of Catholiques in generall; I thought best to make some answere to it, though I be both least fit of a thousand, & that this course of writing be for the most part disallowed by wise men, as being a thing that doth minister more matter of dissention, and keepeth those things longer on foot, which were better buryed.*

For some answere must be sometymes made, least such men thinke they haue wonne the field:

and

and indeed the ſilence of the one ſyde, ſeemeth to haue made the other take more hart, and to ſpeake, and to write more freely, becauſe perhaps they thinke men will ſtill be as temperate of their pennes, as they haue beene, and are ſtill, of their tongues. But they muſt think that this extreme heate of writing will force men ſomewhat to alter their courſe: hoping that the neceſsity of a iuſt defence may plead their excuſe, & that the end of this Warre wilbe Peace, which is my deſire alſo, & intention in this my Anſwere: which the God of Peace vouchſafe to graunt vs. And ſo I come to the matter: which as the Deuine *diuideth into fiue Sections; the firſt ſhewing the Letter to proceed from paſſion; the 2. from Temerity; the 3. the motiues to be humane and worldly; the 4. that the temporall daungers are meerely pretended; the 5. that their cauſe of publique diſauowing the Biſhops Authority, is pretended & feigned: ſo ſhall I endeauour in ſo many Sections, to ſhew all the Contrary.*

THE

THE END.

The Answere to the Iudgement of a Deuine, vpon the three Gentlemens Letter, to my Lord Bishop of Chalcedon.

THOVGH in answering of these papers I must be faine to let passe many greater matters then the Title, yet it presenting it selfe in the first place, I cannot omit to note two things in it. The one is the word *Iudgmẽt*, which doth sound somewhat authoritatiuely, insinuating, as if the writer were a Iudge or Superiour; for to such only it properly belongeth to giue iudgment: whereby though perhaps he would gayne himselfe and his writing credit, so to further my Lord Bishops cause, which he handleth; yet he is best to looke he do him not more harme. For by making himselfe a man of such Authority, he may make it to be thought, that he is my Lord Bishop himselfe, or some one of his officers, but only that men presume more of the discretion

of such Officers, and much more of my Lord Bishop himself, the that they would write, or euer suffer such a thing to be written with their priuity. Wherefore though he take vpon him to giue iudgmēt yet I will take him not to be a man of iudgement: I meane, that hath any further Authority, then his knowledge of Diuinity will afford him, and so I shall in this answere speake to him as to a *Diuine*, not as a Iudge. The other thing of the Title, is, that he calleth the Letter of the Lay Catholiques, the Letter of the 3. Gentlemē, who vndertooke the deliuery of it. Whereas it is well knowne that most Catholiques of worth in, and about London at the tyme of the deliuery of it, were priuy to it, and that these 3. were but chosen out of a great nūber, as men most fit in all respects to vndertake the deliuery of it; whereof I shall haue occasion to say more hereafter in this answer. Only this I say here, because hereupon as he calleth it the 3. Gentlemens Letter, I meane to cal it more truly, the lay Catholiques Letter.

SECT.

SECT. 1. *That this Letter, did not proceed from passion.*

THE *Deanes* first Section, is wholy to proue this Letter to proceed from passion. Wherin a man might aske him, what passion? But becaule I will not stumble him to much at first, nor intend so much to vrge him as answere, I let that passe. His first reason is, becauſe theſe Gẽtlemen take no notice (as he saith) of any thing but that which disliketh them: to wit, my Lord Bishops Ordinaryship, and exacting approbation of Regulars; there being diuers other things that in the *Deanes* iudgment imported them more: as the validity of their Cõfessions, which concerned their soules good; the Bishops care of not increasing their temporall troubles, which cõcerned their fortunes; and the preseruing the Bishops honour & Authority, which concerned the commõ good of our English Church. This is the substance of the first paragraph, wherin he taxeth theſe Gentlemen as if they had only a mynd to quarrell with my Lord

Bishop; for so he saith in the marginall note. But how false this is, may easily appeare, if a man cõsider how many things there were in that Letter very subiect to exception; which, a man that had bene disposed to picke quarrels, might haue made matter of; and among others that bitter imputation of practising and libelling, wherwith his Lordship chargeth Catholiques in generall in his common Letter 16. October 1627. Which though no man could but resent, yet euery man forbare to speak of, because it was impertinent to that end, which they set before them in writing this Letter: which end of theirs, if it had beene, as this *Deuine* imagineth, this had beene the first thing in the whole Letter to take hold of: and this is the very reason why they medled not with those other matters, wherwith this *Deuine* would faine haue had them trouble themselues. Besides that, there be other reasons, which a man might easily bring: as for that of the validity of Confessions, that they saw not any colourable reason of doubt; yet they prayed his Lordshippe (in whose power it was

with a word ſpeaking, or rather not ſpeaking a word, not to bring them into further trouble, then they had bene in his Predeceſſours tyme, and before. And for their tẽporall ſtate, they ſaw wel inough, all my Lords aduiſe would nothing auaile them, ſo long as he had the authority he challenged. Beſides that, in their tẽporall matters they can better aduiſe thẽſelues, then any man els can; that being their owne element. And laſtly, for the not believing euill ſpeaches againſt the Biſhop, they ſaw it was a needles thing to mention it, being a knowne point of Chriſtian duty, not to heare any man ill ſpoken of, much leſſe a Biſhop, if they ſhould chãce to meete with any ſuch diſcourſe, which they neuer do, they and their friends abhorring ſuch way of proceeding.

The ſecond proofe of paſſion is, becauſe the Biſhop offering further ſatisfaction concerning his Authority to any man that would aske it, theſe Gentlemen did not aske it. It is true indeed; hauing ſeene my Lord Biſhops publique clayme of that Authority, it was no tyme for thẽ

to go, and aske a priuate glosse or Declaration, which would little auaile them, when such a Letter should be brought against them. But let this *Deuine* aske my L. Bishop, Whether he were neuer desired to make it knowne, what Authority he had? I am sure his Lordship wil not deny but he was many tymes: but he neuer would, til he declared it in this publique manner. If my Lord then meant to giue them sufficient satisfactiō in priuate, why did he not do it in priuate, while mē did desire it, and while there was tyme? Besides, suppose my Lord would haue written a Letter, he might haue forborne to speake so plainly of his Ordinaryship, only inuiting those that desired to know his Authority to come priuatly vnto him. And for that which this *Deuine* saith, that my Lord could not informe them sufficiently of his Authority in so short a Letter, I se not what reason there is for it. I dare say his Letter is 5. tymes at least as long as his Patents, or Breue, and Instructions, the sight whereof would haue serued the turne without all this writing & doing. Which being so easy a matter, & that yet

his Lordship would not do it, they might well despaire of further satisfaction.

The third proofe of passion is, that as this *Deuine* saith, this Letter stretcheth my Lord Bishops words vpon the Tenterhookes, or rather addeth vnto them, in saying, that the particuler passages cyted and the whole scope of the second part of the Letter, argue his Lordship to assume his Authority ouer the lay Catholiques, to be as great in England and Scotland, as any Ordinary exercised here in England in Catholique tymes: Whereas my Lord Bishop neuer spake of Authority ouer lay Catholiques in Scotlád, but only to proue himselfe Ordinary, brought the Inscription of Letters from some Cardinals thus *Ordinario Angliæ & Scotiæ*. In which the *Deuine* complaineth of two Additions, the one that the Letter sayth, my Lord challengeth Authority ouer the laity of Scotland; the other that it sayth my Lord challengeth as much Authority here in England, as Ordinaries haue had in Catholyke tymes. But first, the Letter neither stretcheth, nor addeth to my Lords words; but only maketh a manifest and

immediate inference vpon, or out of the. For it saith, his Lordship words argue him to assume &c. Which plainely shewes that they do not charge his Lordship with saying so in expresse termes, but saying, that out of which, as antecedent, the coclusion is manifestly gathered. Now there is great difference betweene an inference and an Addition, as euery body knoweth. Secondly, if the *Deuine* would haue answered, and not cauelled, he should haue shewed the Conclusiō not to be wel & truly deduced out of his Lordships antecedent, & then he had layd somewhat to the purpose. But that he cannot do. For if my L. Bishop out of the Inscription *Ordinario Angliæ* do proue himself Ordinary, & out of this inferre, himselfe to haue authority ouer Lay Catholiks of Englād, why may he not do the lyke of the words *Ordinario Scotiæ*, which Title his Lordship vseth continually, and ioyntly with the word *Angliæ* thus, *Ordinarius Angliæ & Scotiæ*? Thirdly his Lordships patēts make no difference betweene the faithfull of England and Scotland. Wherfore if he challenge authority ouer the one, he may do it ouer the other.

For

For the other Addition, as this *Deuine* ſayth, or Inference, as in truth it is, of aſſuming the ſame Authority, which Ordinaries haue exerciſed heere in Catholique tymes, what can the *Deuine* ſay to it? Is it not truly and euidently inferred? My Lord Biſhop ſayth the Pope maketh him as abſolute Ordinary in England, as other Ordinaries in their Dioceſſes; and this *Deuine*, acknowledgeth him, to haue as much as any Ordinary hath, or can haue in his Dioceſſe. But our Ordinaryes heere in Catholicke tymes were no more, but as other Ordinaries in their Dioceſſes, nor had more then any Ordinary hath, or may haue in his Dioceſſe: *Ergo*, my Lord Biſhop (ſuppoſing theſe his Lordſhips premiſes) hath the ſame Authority, that Catholique Ordinaries haue had heere in England in Catholique tymes: Or by the challenging that Authority of other Ordinaries, or what they haue, or may haue, he challengeth the ſame that Ordinaries haue had in Catholike tymes. What fault is there in this Argument? Why then doth this *Deuine* tryfle thus? As if theſe two were not all

one; The Authority which an Ordinary hath, or may haue in his Dioceſſe; and which an Ordinary had in tymes paſt heere in England? Had our Biſhops more heere, then an Ordinary may haue elſwhere? Did he perhaps thinke, that no man would euer vouchſafe to anſwere, or perhaps read this paper? Where is now the paſſion in ſtretching, and adding of words? But becauſe it may moreouer appeare, that this inference of the Authority, which Ordinaries had heretofore, did not proceed from paſſion, I will ad a reaſon why mention was made of our Ordinaries of former tymes in England; which is this: That they, who wrote the Letter, came better to be acquaynted with what belongs to the Authority of Ordinary, and how farre it extendeth it ſelfe, by that which Ordinaryes were wont to do heere in England, and which for the moſt part they do ſtill in the ſame Courts heere eſtabliſhed, then what Ordinaries do abroad, which we heere, are not ſo well acquainted withall.

And from hence commeth the anſwere to another obiected Addition, in

that

that this Letter ſaith, that ſuch cõtrouerſies, as were ſpoken of immediatly before in the Letter, haue mixture with temporall Authority, and concerne temporall fortunes, and receiue alſo temper from our temporall lawes &c. This the *Deuine* according to his former mãner of ſpeach, calleth an Addition to his Lordſhips words; who, he ſayth, ſayd nothing of temporall fortunes, nor Authority of temporal Princes. As for the word (*Addition*) it ſuteth yet farre leſſe in this place, then before. True it is, the Biſhop did not ſpeake of temporall fortunes and lawes; but he ſpake of that, which hath neceſſary connexion with them: which is his Ordinaryſhip. Which connexion, though the Biſhop perhaps did not ſo ſerioully reflect vpon, as a thing, that might hinder the extẽt of his power; yet Lay-men, whome it concerned, could not but looke about them, to ſee themſelues hooked in, vpon a ſuddayne, by Tytle of an Ordinary, which bringeth after it all this, that is mentioned in the Lay mens Letter, and which with all reſpect, they repreſent to the conſideration

of my Lo. Bishop, of whose loue towards them, they were so well perswaded, that they did not doubt, but vpon the very first representation of the inconueniencyes, perplexityes, and daungers, which that Authority did bring with it, his Lordship would presetly desist from further claime of it. Howsoeuer these daungers to them, were a very sufficient enforcement to disclaime from it as they did. Now where is this Inference forced? Doth not my Lord Bishop say absolutly, he is Ordinary, or hath as much power, as any Authority may haue in his Diocesse? May not others then say, what the power of such an Ordinary is? and what inconuenience may come to themselues by it in some particular circumstances? What force or strayning is heere? Oh, my Lord Bishop (will the *Deuine* say) spake only of his Authority, to vrge approbation of Regulars. True; that is the occasion indeed. But doth not his Lordship by that occasion, chalenge the absolute and full power which an Ordinary hath, or may haue? Doth not all that he bringeth, proue his Ordinaryship absolute

Inte without limitation of cauſe, or perſons, if his proofes were good? Might not Lay-men plainly ſay; my Lord meant more of them, whome he tooke to be his proper ſubiects, then of them, who were exempt? And if his Lordſhip had meant only to clayme Authority ouer Regulars, in the matter of approbation, he might haue anſwered plainely and preciſely, reſtrainyng all to them. But I ſhall haue occaſion to ſpeake more of this by and by.

The 4. argument of paſſion is, that they deny my Lord Biſhop all Authority, not onely temporall, but ſpirituall; and vnder pretence of their temporall Fortunes, they would be *Ones ſine Paſtore*. If I would be captious with this *Deſine*, I could aske him, where this Letter denyeth my Lord Biſhop to be Ordinary, or where it ſpeaketh of his Lordſhips temporall Authority? But I will not preſſe him further in that. But for his ſpirituall Authority, or rather the power in *foro interno* (for indeed all the power of a Biſhop, as he is a Biſhop, is ſpirituall, ſpeaking properly) where do they deny it?

Or if they do not speake of it, hauing no occasion, and it being from the purpose, doth it follow that they deny it? He may haue that, though he be no Ordinary, nor haue power in *foro externo*. How then doth the deniall of the former infer the deniall of the latter? Is not heere stretching of wordes, or forcing inferences? And much more in that, as this Deuine saith, we would be *Oues sine Pastore*. Haue we beene *Oues sine Pastore* now aboue 60. yeares, wherin we haue had no Bishop? Nay, haue we not so much more had a Pastor, as we haue more immediatly been gouerned by the Pastor of Pastours, receyuing immediate influence from the sea Apostolique? But more of this anone.

I. The 5. Argument of passion is, because they omit the principall point, which the Bishop handleth: which was his full Authority to exact approbation of Regulars, and take hold of the secondary; which was his Ordinaryship. And heere the Deuine cõplaineth, they tooke nõ notice whether he had satisfied them or no. Well, what passion was it for Catholiques to leaue that, that concerned

them not so immediatly, though it were the principall point, and touch that, which concerned them more, though it were but secondarily intended? To what end should they take notice of satisfaction in a thing, in which they needed none, as making no doubt of it? For, suppose there had been any litle shaddow of probability of my Lord Bishops pretence, yet so many good and learned men, as there were heere, of Regulars, nay and of all moderate and learned of the secular Clergy, affirming the contrary, & euen my Lord Bishop not ventring, to say to the contrary, at least to some persons, but that Confessions made to Regulars were good; what doubt could any prudent man make, of the validity of his Confessions? The Authority of any one or two learned men, being sufficient for a wise man to lay aside all scruple of that kind: what needed therfore all that ado? And the rather becausse it was a matter of learning, they would not trouble themselues further, then to desire his Lordship not to put them to further trouble then his predecessor, or himselfe had hitherto put

them

them vnto: in which they ſhew, though not in expreſſe termes, how they were ſatisfied with his Lordſhips Letter in that point, eſpecially laying his Authority of Ordinary for groūd of that claime: what paſſion then is heere? But now, if a man would ſtand vpon it, it might perhaps be proued that my Lord did intend no leſſe principally to declare his Ordinaryſhip, and by this occaſion to make open challenge of his Authority in that kind. For what elſe doth the greateſt part of his Letter pretend? Why doth he write ſo largely to the layty of a matter, which doth not ſo properly belong vnto them, but only to put needleſſe ſcruples into their heads? And with all to make ſome anſwere to the Laity, who not long before had been very inſtant to know his Authority more preciſely, though his Lordſhip could not be met withall; to haue their demaunds deliuered to himſelfe? But becauſe theſe are coniectures, I will not ſtand vpon them: only this I may ſay, if his Lordſhips intent had not been to clayme that Authority, he might preſently haue diſclaymed it, and there

had

had beene an end.

The sixt Argument of notorious passion (our *Deuine* sayth) is this, that they incense the State against the Bishop, by saying that the execution of the Authority of this new Tribunall, will prouoke the present Gouernment vnto an exact search after it, and suppression thereof; and so bringeth a clause of *Bulla Cœnæ* to proue them excommunicated therfore, & asketh, why else this Letter was shewed to the King? This is a strange point of Diuinity, that a man shall incurre excommunication, for representing vnto the Bishop, the daunger which by clayming such Authority he bringeth vpon himselfe, and other men. This is a thing allowable by the lawes of God and man: and how then doth it deserue excommunication? Is this to prouoke the state to persecute? No surely: but to moue the Bishop not to prouoke the State against himselfe and others: & as for publishing the Letter, and causing it to be shewed to the King, if it were so, this *Deuines* intelligence is better then mine. Howsoeuer, it was no more then needed, for men to

declare themselues somewhat in a more publique manner, that Authority being so publiquely claymed, which would bring so many daungers vpon them. And some great Officers haue been knowne to say since, that it was tyme for Catholiques to do as they did; for that otherwise they might haue smarted for it. Wherein then doth passion notoriously appeare in this matter, vnlesse it be that this *Deuine* will haue all to proceed from passion which lyketh him not. And so hauing cleered this Letter of passion, I might aske this *Deuine*, what temper he was in, when he called this graue, substantiall & humble Letter, no answere, but a publique defy of the Bishops Authority? What is there in the whole Letter that hath euen a shadow of defiance? Doth not the whole manner & phrase import as much respect and humility, as such matter can possibly afford? Can defyance stand with humility and respect? Why then should this *Deuine* call it a defye? What Law giueth him this liberty? Let him looke home a litle and see whether he be not liable in what he accuseth others. I

leaue

leaue it to himself to cõsider, for I wil not so take vpon me to play the Iudge. And heer is an end of the 1. Section of passion, I pray God there be an end of that passion on the *Deuines* part.

SECT. 2. *That the lay Catholiques Letter is free from Temerity.*

THE first point of Temerity alleadged by this *Deuine* is, becauſe they being Lay and priuate men do take vpon them to iudge publiquely, and to condemne their Paſtor: which is as much as by fact to iuſtify, & euen far to ſurpaſſe the Oath of Supremacy, which giueth power to the Prince to iudge of Eccleſiaſticall perſons: and heere priuate and Lay men take the ſame vpon them, in ſaying the Biſhop aſſumeth Authority ouer Lay Catholiques, which he interpreteth vſurping; and ſo bringeth a place out of *S. Ambroſe* to ſhew that Lay-men, euen Emperors muſt not Iudge. Heere you ſee the *Deuine* waxeth warme in his Iudgment ſeat: but let him be carefull he do

not condemne men without cause. For his Diuinity may teach him, that, that is a dangerous thing. Well; let vs see where is this grieuous crime, worse then the Oath of supremacy? For priuate men to iudge a Bishop, it is true, it is a heynous matter, but yet by this *Deuines* leaue, far short of taking such an Oath, which is the denyall of a mans fayth. And therfore this I suppose was but to shew a little of his Rhetorike. But for all that, he must not let his Rhetorike go before his Diuinity. Let vs thē see wherin do they iudg? because they say he assumeth this Authority: which, saith this *Deuine*, is as much as to vsurpe Authority. But if his Charity had stretched so far, he might haue found out a more benigne interpretation, considering with himselfe, the difficulty of finding a fit word for this place. For the question being, of his Lordships Authority, they could not vse any such word, as might importe, that in their iudgments his Lordship had it. For that were in a sort to acknowledge it, contrary to the purpose of their Letter; besides, they had no ground, but his

Lordships owne word to thinke that he had it. In which case they might say that he assumeth it, as well as to say his Lordship sayth he hath it: for that would imply, that they did not build vpō his Lordships word, which would haue been as ill taken: and to say, he did take it vpon him, would haue beene worse taken, as being neerer to vsurpation. Thirdly they could not presume him to haue the Authority. For though he were Ordinary; he must shew his Letters of his Cōsecration, or Confirmation, as the Canons require. Or if perchance his Lordship should pretend difficulties, that he durst not bring in such things, & that he may as wel be beleued as Priests that come in heere without written testimonies, yet there might some meanes, or other be found out and vsed, to giue men some probability of assurance. But much more being a Delegate, as it is certaine he is: For both Canon and ciuill lawes require that a man in that case shew his Authority in writing. For it is an axiome that *Iurisdictio delegata non præsumitur, sed probatur.* Now if they cannot presume such

Authority, his Lordship may well be sayd to assume it. This supposed, it is not certayne, that he hath any Authority ouer them, and consequently whether he be a Pastour or no, & an vncertain Pastour in this case, is as if he were no Pastor. How then do they iudge their Pastor? Besides, what iudging is this, to say he taketh such Authority vpon him? They do not say that he hath it, or hath it not, but suppose they thinke he hath it not; the worst that any man can make of it, is to say, they do not beliene he hath it. Is this then such a cryme as to be compared with the Oath of Supremacy, especially since they had many reasons to induce them not to beliene it? Is it not great temerity then in our *Deuine*, thus rashly to condemne honest well meaning men, of such a crime without cause?

2. The second poynt of temerity is to teach their Pastor, what Authority he must not haue; in saying that all things are so setled, as innouation might breed daunger, being contrary to diuers ancient and moderne lawes; since the erecting of a Tribunall distinct, or contrary

to our lawes is Treason, or *Premunire* at least, if they haue any priuity or participation &c. Heere the *Deuine* asketh whether it be the part of lay men to tell a Bishop, he must haue no Authority contrary to a setled course of state, for matters of Episcopall iurisdiction; and he asketh whether this be not to tell him, that he must not haue authority to preach, cõfirm reconcile &c. And whether innouation in religion is not as dangerous? with a great deale more of that kind. But then he sayth withall, that those ancient lawes of *a new Tribunall* are not vnderstood of a Catholique Episcopall tribunall, but of a Legatiue, and that therefore the chalenging of this tribunall is no innouatiõ but a restitution of ancient Episcopall iurisdiction &c.

To all which I answere; that first this *Deuine* taketh it for granted that my Lord Bishop is our Pastor, certayne and absolute; but of that I say nothing til anon, & so I let him vse his owne lãguage in that. But I must tell him heere, he taketh to much liberty to call the humble aduise of lay Catholiques, or declaration of their

owne case, Teaching: which is nothing but to make them odious, as if they tooke vpon them with Authority to teach his Lordship; whereas in the very beginning they humbly craue leaue to declare their minds, and so continue throughout the whole letter. This is not good dealing for any honest man, much lesse a *Deuine*: for it cánot come from a good meaning. But we must beare with a hundred such things as these, at this *Deuins* hand. Secondly whereas he inferreth *à paritate Rationis*, that the Bishop must not preach, confirme, reconcile &c. because these are against the setled course of state, he is mistaken. The reason is not a like, for these are neyther against our ancient lawes, neither do, or can hinder the ordinary Courts of Iustice heer, & withall these things are more necessary for sauing of soules, for establishment and preseruation of Catholique Religiõ thẽ a Bishops court, which as things stand, will rather hinder then help. Now for our auncient lawes which our *Deuine* sayth are not against a Catholique Episcopal tribunal, not according to the meaning of the Law-maker, howsoeuer it

may

may be againſt the ſound of the words) I ſay firſt, that as times ſtand, it is enough to be againſt the letter of the Law: & our Proteſtant Iudges and men in Authority who thinke themſelues fitteſt to be interpreters of the Law, will haue great aduãtage againſt vs, if they ſhalbe able by the very words of the auncięt lawes to bring vs within compaſſe of Treaſon, or *Premunire*. And if now by word, & writing they publiſh to the world that we dy not for Religion, but for Treaſon, although we ſuffer but by the lawes made in this time of Proteſtancy, how much more colourably would they thinke to do it, whē we ſhall ſuffer by the auncient Lawes, made and practiſed in Catholique tymes, and not diſallowed, or contradicted by the Sea Apoſtolique? And it may be this very thing, if it had been ſo knowne to his Holines, as the Catholiks Letter ſaith well (for it is no diſparagement for any man to ſay, that he doth not know all particular Lawes, and Ordinances of all Countryes) it is moſt probable his Holinēs would neuer haue put the Catholiques into any the leaſt occaſion of ſuch

offence: especially being a thing wholy needlesse at this time. Secondly, a man may perhaps also say it is against the meaning of the law in some sort. For though it were neuer the meaning of our Catholique Aunceſtors, to hinder the lawfull exerciſe of Ordinary Eccleſiaſticall power, yet their end was, as this *Deuine* confeſſeth, to reſtrayne the exerciſe of extraordinary power, or Legatiue, by reaſon of the diſturbance, which it did many times cauſe in the vſuall courts of Iuſtice of this kingdome. Why then may not a mā ſay, they meane of ſuch power as my Lord Biſhop would haue heere, conſidering the preſet ſtate of things? For, heere be now vſual Eccleſiaſtical courts of Ordinaries or Biſhops: but they are Proteſtāt Biſhops, ſay you. I graunt it, but yet in their Courts they retaine the ſame forme of iuſtice in great part, the ſame kinds of cauſes they had aunciently; and though it be true that they haue not true Eccleſiaſtical iuriſdiction, as being Branches cut of from the roote which is the Sea Apoſtolique, yet they exerciſe it *de facto*, by the Kings authority, ſo as all, both Proteſtants

teſtants and Catholiques muſt be ſubiect vnto them, ſo much as concerneth the outward gouerment, or *forum externum*. Now my Lord Biſhops Authority in this caſe (ſuppoſe it Ordinary for the preſent for diſputatiõs ſake) is of no leſſe hinderance, or diſturbance to the Ordinary Courts, and courſe of Iuſtice, then was Legatiue in ancient times; nay more: for the Legatiue court was a Superiour court and therfore did not medle in Ordinary and dayly matters, but in ſome particuler caſes and euents.

Whereas my Lord Biſhops Court, if he were Ordinary, would anſwere *ex æquo*, as I may ſay and directly to the Ordinary ſpirituall Courts heer, and might challenge the hearing and determining of all cauſes, as due to it ſelfe, excluding the other, as vſurper. In which reſpect I thinke, that as this *Deuine* ſayth the law-makers neuer intended to hinder the reſtitution of Catholique Epiſcopall iuriſdiction, ſo I am of opinion with him thus farre, though they would not hinder it when tyme ſhould be for it, ſo yet that in ſuch tyme, and circumſtances as

now we are in, and so long as it were not in their power to hinder, but that Protestants should beare the sway as they do, they would neuer haue lyked the restitution of it, in such manner as his Lordship desireth. To which though I am the rather induced by considering how the Catholique Bishops, who in Queene Maryes time exercised their Authority, and kept their courts, vpon the suppression of Religion and their Authority, and the substitution of others in their place, forbare the exercise thereof, as hurtful rather then any way vsefull; nay euen impossible. Thirdly, not to stand guessing what would haue been the mind of the Lawmakers in this particular case, suppose my Lord of *Chalcedon* were Ordinary heer; to come to the true playne meaning of the Law, which this our *Deuine* acknowledgeth, to wit, that by it is forbidden the exercise of a legatiue tribunal; I say, this law precisely and directly toucheth his Lordships Court, which he would erect. For though he not a legate *à latere*, yet he is a Delegate of the Sea Apostolique, and his power is of the same kinde,

kinde with Legatiue, though inferiour vnto it. And this is manifeſt by the words of his owne Letter, ſaying, he is *Ordinarius*, not *Ordinario modo*, but *extraordinario modo*, as Legats, *Nuncio's*, and the like, though he be not yet ſo truly Ordinary as any of them, whoſe power is expreſſed in the Canon Law, his Lordſhips power being wholy out of the Commō Courſe. Therfore the law is much more againſt it then againſt the power of a Legate. Secondly, the very manner of conferring the Authority, by ſpeciall Commiſſion, doth manifeſtly ſhew him to be a Delegate: for that is proper to Delegation. Thirdly he hath his Iuriſdiction ad *beneplacitum*; which is eſſentiall to Delegation. But what need I ſtand further prouing ſo manifeſt a thing, whē as both his commiſſion hath the expreſſe word *Delegamus*, and his Holines his *Nuncio* of Paris in a Letter vnder his owne hand, ſpeaking of my Lord Biſhop of *Chalcedons Breue*, ſayth, *Delegationis ſuæ Breue ſufficienter oſtendit &c.* & by word of mouth, he did not only tell diuers that will iuſtify it, that my Lord was not Ordinary, but

proued also by the Cannons, that he could not be Ordinary. His Lordships Power then being rather Legatiue then Ordinary, and euen not that legatiue, which is expressed *in iure*, and whose power in that respect is called Ordinary, because it is belonging to the office of a legate by law, it is plaine that the ancient Law doth properly touch his Lordships power and Tribunall. For suppose when *England* was Catholique, a man had come in hither, (all the Bishopricks being ful) with such a speciall title and commission, and chalenging such Authority heere as his Lordship now doth, what would other Bishops say? In what Ordinary Tribunall should he sit? Must he not erect himselfe a new one? Nay suppose his Lordship should haue byn Bishop of *Canterbury*, and one come in as he doth Bishop of *Chalcedon*, by speciall Commission, would not his Lordship think that man to offend against this ancient law in such a case? And whosoeuer should acknowledg or submit himselfe to such Authority, liable to the penalty there appointed? Certainly he would. And why

not then in this case? You will say now there be no Catholique Ordinaries, as thē there would be. What then, say I againe? Doth that alter my Lord of *Chalcedons* Authority? Doth not that remaine the same in it selfe still without chāge, whatsoeuer the others be? Is not their change meerely accidentall to his Authority? For he is still Bishop of *Chalcedon*, & hath the same commission. If then that would be against that law, now it is. What temerity is it then in Catholiks, to aduertise my Lord of *Chalcedon*, what danger he bringeth vpon himselfe, & others, by erecting this new Tribunal, which they may truly call Innouation, as being a thing without President in our nation, and contrary to our ancient Laws, & therfore no restitution of Ordinary Episcopall iurisdiction, as the *Deuine* would haue it: though suppose it were truly and properly restitutiō of Ordinary Episcopall iurisdiction, and consequently, not against the ancient Lawes, yet would it be against the moderne, which threaten so many & so great dangers, that a man may very wel without note of temerity declare them, & vse

what

what means they can to auoyd them. I could heer note how some friends of this *Denine*, I meane some of the Appellants in *Clement* the VIII. his time, vrged these ancient lawes against the Authority of the Archpriest, then appointed by that Pope, though that were no externall iurisdictiō nor ouer the Laity; how much more then may they be vrged against my Lord Bishop of *Chalcedons* which he pretēds? But I say no more of it.

3. The 3. poynt of Temerity wherwith this *Denine* chargeth Catholikes is, in that they censure the sea Apostolique, as he sayth, and 2. most wise Popes, by saying, that if these their dangers, togeather with their long sufferinges, & present state of miseries had ben considered abroade, they presume no such Authority woulde haue beene imposed vpon them: as if, sayth he, the sea Apostolique had not considered the daungers which might come to Lay Catholiques by Episcopall Authority. And then he asketh why they did not giue, the Sea Apostolique to vnderstand these daungers, all that tyme that the Clergy stood suing for

a Bishop,

a Bishop, the Iesuits opposing it? Or all the tyme that the Bishop hath been heer, wherein, as the *Deuine* sayth, he hath euer professed himselfe Ordinary? Wherupon he cõcludeth that it is not the feare of daunger to themselues, but their passionateneſſe to Regulars, who stood in daunger of Approbation, that moueth thẽ to this. This is the *Deuines* discourse, and a very good and likely one it is, forsooth, because the Catholiques say that if their daungers had beene considered (to vse the *Deuines* words) abroad, they presume they should not haue had such Authority imposed vpon them. Therfore they cẽsure the sea Apostolike. This man is so much in giuing iudgment, and censuring, that all that any man else sayth, seemeth to him to be censuring. What is there heere any way condemning the Sea Apostolique? Nay rather, do not Catholiques, in this, shew the great confidence they haue of the loue and tendernes, that the Sea Apostolicke beareth towards them? Which induceth them to thinke, that if their case had been fully made knowne, it would no way do a thing so

preiudiciall vnto them: where it is to be noted, that besides the *Deuines* ordinary liberty of terming thinges as he listeth to cõceiue thẽ, & wresting words to a worse sense, heer he corrupteth the text, the better to ground his accusation of Temerity. For in those copies that I haue seen of this Letter, there was not the word [*Considered*] but the word [*Vnderstood*] which is no way subiect to exception. But notwithstanding, suppose the *Deuines* copy had the word [*Considered*] which yet a man may doubt of, none else hauing so, it may very well carry the same sense. Which supposed, what Temerity, or what Censure is it, to say, if the Pope did vnderstand our case &c. May not the Pope be ignorãt of many particular laws or Statutes of a Kingdome so remote in place, and so different in manners and language, and especially in this tyme of Protestancy, as this Kingdome is? He being a man, and hauing none but humane meanes to know thinges, he cannot know our affaires by himselfe but by information of others: and it seemeth they haue beene such men as were more

carefull to prosecute their owne ends; then seeke our good, and therefore would make no more knowne of our case then might stand with their pretences: & now that we come to speake for our selues, & to make knowne our owne case, for saying, that if it had beene so vnderstood abroad, we are calumniated, as if we did temeariously cēsure the Sea Apostolique: What dealing is this? But because this *Deuine* doth thus grieuously accuse Catholiques for Temerity in censuring the Sea Apostolique, I would willingly aske him a question in his eare, whether he do know a man in the world, that hath been often heard to say, before there was a Bishop, that the Pope was bound vnder paine of mortall sinne to let the English Clergy haue a Bishop, and consequently it euidently followeth, that in the same *Deuines* iudgment, in not granting one, he did sinne mortally. If he do not know such a man, I can tel him who he is; and vouch for my selfe, one of the Clergy it selfe, and a man of chiefe Authority vnder my Lord Bishop, and of great credit with him for his forwardnes and zeale in

the cause. Now whether this be not censuring, let any man iudge? For, what greater censure can there be then to condemne the chiefe Pastour of Gods church of a mortal sinne. And of a mortall sinne, not so much in matter of fact, which might depend of information, and so be somewhat excusable, but in matter of iudgment, or error in a Doctrinal poynt, which cannot be excused; as whether the law of God require the having a Bishop, or not, heere in England, at this time? Which the Pope demeth: this *Demas* affirmeth: and not only affirmeth, but condemneth the Pope of a mortall sinne, for not being of his mind. These Gentlemen vsed a modest worde (*Vnsafe*); they vsed also a conditionall manner of speaking, which were sufficient to mollify the word, suppose it had beene a little harsh. They impute no crime, they shew assurance of loue and tenderneſſe, and of great wisdome and maturity in counsel; and yet this is censuring. And whereas he accuseth Catholiques also for Censuring two most wise Popes, of doing what they vnderstood

not,

not, I might answere him likewise that he condemneth all the Popes that went before these two; for the space of three-score yeares, to wit Ten most graue and wise Popes, who for many and very waighty reasons would neuer be drawen to haue a Bishop heere, as tymes stood. And the two last yelded to the hauing of a Bishop, not out of any Scruple of conscience, or feare of transgressing the *Diuine* precept, but out of other motiues. Nay it is most like, that they would haue held the same course, that so many of their Predecessours did holde, but that they were persuaded by some, that the tymes were altered, so that it might better be now then heertofore: which can be no fault of the Popes, but of such as care not what they say to compasse their owne ends: and so vsed such vnder-hand dealing, as that thinges were wrought, without any knowledge, or consent of those whom it might heere concerne. For what did Catholicks heere in England, know what others were working at *Rome*? And though they should heare some-thing of a Bishop, they might well thinke

the Sea Apostolicke, knowing somwhat in general the different state of this Kingdome, from others at this tyme, would not send hither a Bishop, with like Authority as in other places, as indeed we finde since this controuersy began, it was neuer the meaning of his Holynesse, though this *Deuine* would make vs beleiue otherwise. They might likwise think that no man of those that did sue for a Bishop, would so far passe the boundes of reason, as to desyre a thing so impossible as is a Bishop heere in England, with the same power that Bishops are of elswhere, and haue beene formerly in England: but that they would be cõtent at the furtheſt with a Bishop, who might Confirme, blesse Holy Oyles, & gouerne his Cleargy, without challenging a further iurisdiction in *foro externo*, which would not any way proue vsefull, but many wayes harmefull.

As for the *Iesuites* Opposition, I will not say much, but leaue them to speake for themselues, as I doubt not but they can very sufficiently, in this businesse, as they haue done heertofore in o-

ther occasions, though in this they need not say much for themselues; for any man may see, by the *Deuines* manner of speaking, how well he wisheth them, & consequently how litle, or no credit is to be giuen to what he sayth of them. Yet for this matter in particular although I neuer had fee to speake for them, eue out of the loue I beare to Innocency, I will tell a thing of myne owne knowledg, which as it hath made me belieue, all that such men say of the Iesuits, to be false, so it may well do others: and it is this. I knew a Priest, now a Blessed Martyr in heauen, who long had a mind to enter amongst them, and by false suggestions of some, he was with held for many years. And at the last, when being still more vehemently moued by Gods holy spirit to prosecute his good desyres, a greate man of the Cleargy, who shall be nameless in this place, to dehort him, tould him the Iesuits made a vow, or an oath (I know not now well whether) to oppose the hauing of a Bishop, which thogh it cooled the good mans desyre for the present, yet when he informed himselfe

better,

better, and found that false, he believed all the other fables that were tould him to be false, as indeed afterwards he also found them. So, I having seene better proofe for clearing of the Iesuits in this point, then this *Deuines* authority for accusing them, will forbeare to believe any thing he sayth of them. Only, If they should haue hindred it, foreseeing all this stirre & inconuenience which hath hipned since the Bishops cōming, who can wonder if they would haue hindred it, if they could, though I am most credibly informed they neuer medled not spake word all the tyme it was now last in treaty. Heertofore indeed when they were called to Councell they spake what they thought, as it is the part of any honest man. But this last tyme being not called, they did not speake a word, nor moove a foot in it. For, what is it to them? Do not they liue aswel where ther be Bishops as where there be none? I trow they do: why then should they hinder it? And thus much for the *Deuines* third poynt of Temerity.

4. The fourth poynt of Temerity, as he

he sayth, is that these 3. priuate men erect a new Tribunall, neuer heard of before, frō which there is no Appeale, in saying that the matter they speake of, viz. of their dangers, admitteth no further question, which the *Deuine* interpreteth, as if they would iudge vpon a Bishop, and vpō Ecclesiasticall Authority, so as no further question is to be made. What a friuolous obiection is this for a man to make? Or with what conscience can he transferre their words which they speake of the certaynty and manifestnesse of their owne daungers to so different sense, as if they did take vpon them to iudg of Bishops & Ecclesiasticall Authority, so, as if from them there were no appeale? Nay what affinity is there betweene the bare affirmation of a thing, by saying it is out of doubt, and, erecting a new Tribunall? This mans head is so filled with Miters, that he dreameth of nothing but Tribunals. This is tooto grosse: and as for saying, that these three priuate men erect a a new Tribunall, as if it were but the act of three, I haue touched that before, and shall do agayne afterwards.

The 5. point of Temerity he saith lyeth in these words, from which (he putteh this parenthesis of his owne) refusing the Bishops authority) we cannot recede for the reason aforesayd; which, he sayth, is a temerarious profession of disobedience not only to the Bishop their immediate Pastour, but also to the Pope. That, from which the Catholickes say they cannot recede, is the substance of the Letter concerning the difficulty of a Catholike Tribunal, and danger which ensueth thereof to themselues, which what disobedience can it be? Agaynst what Authority is it? for there is no obedience, nor disobedience but where there is Authority. What power is it that commaunderh men not to speake the truth in matters of *Fact*, that so much concerne them? What Law, what Superiour, can abridge them of this liberty, though he were a knowne Superiour? Much lesse heere where the question is, whether my Lord Bishop haue Authority ouer Catholiks or not, or what he may haue, as things stand? For to be bound to obey, there be these three things requisite at least; that the thing commaunded

maunded be possible; that the party that commaundeth be a Superiour; and that others be subiect in that kind, wherein they are commaunded, or in the matter of command: for men are not subiect to al Superiors in all kinds, but to one in one kind, and to another in another. So as this *Deuine*, should first by proofe haue put it out of question, that my Lord Bishop hath the authority he pretēdeth. Secōdly, that, that authority can stand with the present gouernment and state of Catholikes. Thirdly, that Catholiks are so farre subiect to him in matter of life and temporall fortunes, as to hazard all for acknowledging and obeying his Authority. And hauing made good all this, he might then haue accused them of *Temerarious Disobedience*. But till then, it were more honesty and wisdome to forbeare his Cēsures. And this order was more sutteable with the order of the Letter; wherin hauing first sayd they were persuaded they could not be bound to hazard the ruine of their state and posterity, where the necessity of professing their fayth doth not oblige them, they conclude cōsequently

that they cannot recede &c. But the *Deuine* had an eye in this to his conueniecy, reseruing this poynt for the last, therin to shew his Diuinity, which he hath hitherto made litle shew of: and so now he commeth to that which followeth.

6. Their 6. point of Temerity, sayth the *Deuine*, is in their words; neyther can we be persuaded that there is a necessity of conforming our selues therunto (*Episcopall power*) (obserue these two words of the *Deuines* owne putting in by the parenthesis, and by way of glosse) as to a matter of fayth: or yet, that we can be obliged to loose our state, and ruine our posterityes, where the necessity of profession of Fayth doth not oblige vs. Vpon which words the *Deuine* descanteth: asking, what is this, but to get vp into the Bishops chayre, and teach him how far they are obliged; where he sayth that as long as they taught, what was common law, they were to be heard; but that where they come to teach the duty of a Christian, they passe the duty of a Christian. And then he teacheth, that it is a matter of Fayth, that there ought to be

Epis-

Epiſcopall power in Gods Church; and that the Paſtors are to be obeyed, and that although particulars be not matter of fayth, yet men are bound out of the vertue of Religion to hould them ſo, where there is no cauſe of doubt. For, ſayth he, it ſufficeth that they are obliged to obey theyr lawfull Paſtour, and that they haue no reaſonable cauſe to doubt but that the Biſhop of *Chalcedon* is ſuch to them: and ſo concludeth, that they erre exceedingly if they thinke that they are not bound to conforme themſelues to any thing but matters of fayth; for that they are bound to conforme their willes to matters of religion, obedience, or other vertues cõmaunded by God, & his Church, as they do their vnderſtanding to matter of faith. Thus the *Deaine* diſcourſeth, more it ſeemeth to ſhew his Diuinity, then to ſpeake to the purpoſe: for what needed al this whereof there is no queſtion; as that it is the inſtitution of Chriſt, that there ſhould be Epiſcopall Authority in the Church; that lawfull Paſtors are to be obayed; that men are no leſſe boũd to the practiſe of other vertues, then the profeſ-

sion of fayth? Who denieth all this? Or what was there in the Letter, that being rightly taken might enforce any such discourse? The Catholickes meaning therfore is playne that the acknowleging or obaying such Authority, as my Lord Bishop now pretēdeth heere in Englād, as things stād, is not a matter of necessity to the profession of the Catholike fayth, or exercise of any other vertue necessary for a good Christian. But that they may be good Catholickes without it, as they haue approued themselues before God & the world these 60. yeares: which if it had been necessary, the Sea Apostolike would neuer haue suffered them to want a Bishop so long. This was the thing the *Decano* should haue touched, without going about the bush: now what Temerity is it for any lay man in the world to say this? Or wherin doth he take vpon him more thē he should? How doth he teach the Bishop? or, by saying this how doth he passe the duty of a good Christiā? What crime is it for a man now in time of heresy & persecution, where the profession and exercise of the Catholique fayth, is dan-

gerous

gerous to his life and fortune, when he shall be vrged by my Lord Bishop to further exercise or profession therof then is necessary, to make answere, that he thinketh he cannot be bound vnto it? Will this *Deuine* in good company and before learned men say, he can? No, no, hee will be better aduised whatsoeuer he writeth. Nay this thing is so playne, and so necessarily included in the Common practise of the Catholique fayth, all this tyme of persecution, as I wonder this *Deuine* should thinke it such a matter for a lay mā to speake so much Diuinity. He need not; for his will be neuer the lesse, though all the world know it. And on the other side Catholiques haue beene so beaten to it, that there is no man can but know it. For what hath made them stand out against the oath of Supremacy, going to Church, the oath of allegiāce &c. but the necessary connexiō that these things of their owne nature haue with the profession of their faith? which were it not, all Catholiques in *England* know, they could not by any humane constitution be bound not to coforme themselues to our

lawes

lawes in this behalfe, the dangers being such as they are. Now they see, that the hauing of a Bishop at this time with such Authority as is pretended, is not of such necessity on the one side, as these things; and on the other side of no lesse danger, and therfore they thinke, they cannot be bound to it. Is this such a deep point of *Diuinity*, as a Lay man may not presume to know it? Or if he know, not speake? Or if he speake of it, he must be sayd to get vp into the Bishops Chayre? Who would thinke a *Deuine* would trifle thus? But let vs see more: he enlargeth himselfe in this, as being in his iudgement a substantiall poynt of temerity, making another Paragraph of it. But before I haue done with this, I cannot omit to note the *Deuines* Parenthesis in the beginning of this 6. Paragraph, where to the words of the Letter, which say; *Neither can we be perswaded, that there is a necessity of conforming our selues heerunto*, which they meane playnely of an Episcopall Tribunall as things stand. This *Deuine* with his parenthesis of (*Episcopall power*) maketh as though Catholiques deny conformity to

Episcopall power in generall: which is a strange slight; & I may say plaine corruption. But to goe on with him, he goeth forward thus. Like to this, is that other great errour of theirs, where they say they cannot be obliged to loose their estates, & ruine their posterityes, where the necessity of profession of fayth doth not oblige them. For saith he, they are aswel obliged to loose their estates, nay liues also, where the exercising of any necessary Vertue doth oblige them, as where the profession of fayth doth. For example, he bringeth *Ioseph* the Patriarch, who was obliged to loose his estate and liberty, as well when the necessity of Chastity did bind him, as necessity of professing his fayth. So he sayth, Christians were no lesse bound to obay the decrees of the Apostles, the belieue their doctrine. And he brings the Authority of *S. Thomas* to proue, that he suffereth as a Christian, whosoeuer suffereth for doing any good, or auoyding any euill, saying withall of himself, that to loose their liues for acknowledging their lawfull Pastor, is to loose it for profession of their fayth. So the Church hol-

deth them for Martyrs, who would rather dy then subscribe to the condemnation of S. Athanasius &c. To this I answere, that the *Deuine* is very free to call this an errour, which by answering what he sayth against it, shall manifestly appeare to be a solide truth. For, that which he sayth first then, that a man is bound to loose not only his estate, but lyfe also, where the necessity of exercising any necessary vertue doth oblige him, no lesse then for the profession fayth, it is true; but nothing pertinent to our purpose, which is, not to dispute whether a man be bound to hazard his lyfe and fortune for his fayth only, and not for other vertues: but whether he be bound to hazard all for a thing which is not necessary for profession of fayth, & is supposed not to fal vnder the necessary obligation of any other commandement, or vertue: and so the questiō may be the same of any other vertu, whether a man be bound to exercise it, whe it is not necessary, with hazard of his life & fortune; & this the *Deuine* rather seemeth to grant by requiring a necessity of exercising a necessary vertue to

oblige

oblige a man: for I would aske him wher-in is the neceſſity of exerciſing a neceſſary Vertue, as he calleth it, by acknowledging and admitting his Authority? May we not haue all things neceſſary to ſaluation without it? If not, how haue we done all this while? If we may, what maketh this for his purpoſe? You ſee then the *Deuine* would decline the queſtion, by ſlipping aſyde to another matter. For his example of the Patriarch *Ioſeph*, I ſay there was a neceſſity of exerciſing a neceſſary vertue (to vſe the *Deuines* owne Phraſe (though it be not very good) & therfore nothing to our purpoſe. But by the way I would know what he meaneth by *neceſſary Vertue* in this place, for my part I do not ſee what he can meane, other then an act which a man is bound to exerciſe; ſo as eyther the word neceſſity, or neceſſary in his Phraſe, is ſuperfluous; & then the meaning of his whole ſentence is this. A man is bound to looſe his life for exerciſing any vertue wherto he is bound, and ſo we are where we were at the firſt, to wit, whether al kinds of obligation bind at all tymes and in all cir-

circumstances, and with all manner of difficulties and daungers. For the Patriarch *Ioseph*, there is no doubt, but he was bound to hazard all, rather then his chastity, wherto the law of God and nature did bind him in that case: not so the hauing of a Bishop with Ordinary power in ours. For the Apostles Decrees, it is true, they are to be obeyed: but yet I would know of this *Deuine*, whether he thinketh a man bound rather to hazard his life or liberty, then to eat flesh in lent, or vpon a friday or saturday? And so of other Apostolicall Precepts, which are not diuine Traditions, but enacted by them meerely out of their owne Authority. Onely heere I say, by this it is manifest, that there is difference betweene the obligation of profession of our fayth, which is wholy diuine, and obaying the Decrees of the Apostles, which are but human. For *S. Thomas* his Authority I reuerence it, and am therfore sorry to see it applyed by a *Deuine* to so litle purpose: for who denieth, but he sufferreth as a Christian, or for his fayth, and consequently is a Martyr, that suffereth for exer-

exercise of any vertue, or auoyding euen the least veniall sin ? For example a man perswadeth a yong woman, that hath many suiters to leaue the world, and become Religious; some one of the suiters who is most earnest, and in most possibility to haue her, conceaueth a great hate against the party that perswadeth her to Religion, and so wayting his opportunity, killeth him for it. This man no doubt suffereth as a Christian in this case by *S. Tho.* his rule. But doth *S. Thomas* say, he is bound with foresight of this danger to perswade the woman? No, nay will this *Deuine* say it? What then is this to that which Catholiques say they cannot be bound to loose all, where there is not a necessity of profession of their faith? But the *Deuine* inferreth heere; that for a man to loose his estate for acknowledging his lawful Pastor (I suppose he meanes the Bishop of *Chalcedon* with his power of Ordinary) is to loose it for profession of his fayth. Be it so: what then? Is this a matter of necessity or obligation as the case stādeth? If not, you say nothing: & this I say, supposing it an act of vertue,

as the *Deuine* sayth it is. But now not to dehort any from this acknowledgment, but only to iustify a man that shal not acknowledg it for good reasõs, I aske whether it be an act of vertue to acknowledge that Authority, which there is no sufficient ground for, but the Parties owne saying; whereas there is much against it? Is this discretion? If not discretion, how can it be a vertue? Besides, graunt he haue that Authority, but that this Authority is on the one side not necessary, and on the other syde daungerous, so as the Daunger and Inconuenience doth preponderate the conueniency or commodity. Is it discretion to be silent in this case, or is this profession of sayth, as our *Deuine* calleth it, ioyned with discretion? Haue not many beene condemned therefore, both aunciently & modernely for want of discretion, euen in profession of their sayth. Is it vertue for men to put themselues into needlesse dangers, or not prudently to decline them when they may without offence? What such special vertue then is it, to acknowledge my Lo. of *Chalcedons* Ordinaryship

riſhip, and ſubmit to his Tribunall, being no way neceſſary to the profeſſiō of faith & being on the other ſide ſo daungerous as it is? Neyther doth this *Deuines* exāple of *S. Athanaſius* his followers help. For firſt, it was an vniuſt, and wicked thing in it ſelf to ſubſcribe to the condemnatiō of an Innocent man, the which for al the world a man may not do. Secondly, the perſecutiō of *Athanaſius* being known to be for defence of the Catholique Faith & beliefe, to ſubſcribe to his condemnation was held in that tyme to be a deniall of a mans Fayth, concerning the *Diuinity* of Chriſt. So heere was a neceſſity (to vſe the *Deuines* phraſe) of exerciſing two neceſſary vertues, Iuſtice and Fayth. In our caſe no ſuch matter. So that all this wind hitherto ſhaketh no corne. Now then I come to *Caietans* Authority, which indeed cōmeth neere the poynt. For he putteth the queſtion aright, whereas the *Deuine* leades vs out of the way all this while. And it is this; *An lex humana ita obliget in conſcientia quod homo teneatur mori pro eius obſeruatione?* To which he ſayth that ſome teach this poſition, *Non habet*

hanc

hanc potestatem nisi in causa fidei, vel tuenda republica. Which he sayth is erroneous & false Doctrine: and proueth it by diuers reasons as our *Deuine* sayth, whereof he bringeth this one. *Lex humana est obligatiua ad peccatum mortale, vt manifestè patet, cùm præcipitur aliquid sub pœna capitis: Ergo est constitutiua alicuius actus, in hoc quòd sit peccatum mortale: Est ergo obligatiua ad cuitandum magis actum illum, quàm mortem corporalem, quia mors animæ fugienda est magis quàm mors corporis.* And after saith, *Nos autem secundum veritatem dicimus, quòd vniuersaliter lex præceptiua obligat ad mortem pro sui obseruatione, in casu autem, non ex benignitate legum.* From whence our *Deuine* concludeth, that it is false and erroneous doctrine to teach that men are not bound to loose their estates, & ruine their posterities where necessity of profession of Fayth doth not oblige them; but that they are bound to loose both estate & life euer where the necessity of a lawfull commãd doth oblige them vnder mortall sin. And such no doubt it is to acknowledge and obey their lawfull Pastour (as he sayth.) Heere you see *Caietans* Doctrine,

and

and our *Deuines* Inference. To which I answere first, that our *Deuine* cannot be ignorant how little Authority in many matters *Caietan* carrieth in schooles now a dayes, though he were a great Doctor in his tyme, and this in regard of his singularity in many points of great momet and freedome in censuring other mens opinions. Both which faults he seemeth somewhat to commit in this place. For as for singularity, he can hardly escape it, hauing but one only man of the whole schoole of *Deuines* to hold with him, who is *Adrianus*, of his owne tyme, or rather a little after him; so as when he taught it, it was singular among *Deuines* for any testimony that is extant, & since, he hath not any one man but *Adrian* to follow him: which being so, then is it manifest that he falleth fowly into that other fault of censuring Doctrine as erroneous and false, which was approued and taught in his owne tyme by learned men, and that it seemeth with such likelyhood, that all *Deuines* of ensuing tymes haue left his, & followed this. Though in this he be not so much to be blamed, not being able to

forsee what men would say that came after, as our *Deuine*, who liueth now, and cannot but know it to be allowed and taught by all learned men. All whom this *Deuine* in alleadging and approuing *Caietanes* censure, doth condemne, which is a great fault in a man of his profession. But to let that goe; In my opinio it had beene more for our *Deuines* purpose to haue alleadged *Caietanes* bare Authority without his reason. This reaso which he bringeth, being *Caietanes* best reason, as is to be presumed in our *Diuines* Iudgmēt (for sure he would bring the best) and it prouing nothing worth, it will appeare that he hath no reason at all: for his reason is this. An humane Law may oblige a man vnder mortall sinne, as when a thing is cōmanded vpon paine of death; but a mā is boud rather to loose his life then cōmit a mortal sinne: *Ergo* a man may be bound to loose his life for the obseruation of it. To this I might answere first, that his first Proposition is not altogether so certaine. For that some great schollers not inferior to *Caietan* for Authority in schooles in morall matters, are of opinion, that no humane

Nauar. apud Tol. lib. 2. c. 20. n. 8.

humane ciuill law doth bind vnder mortall sinne. But I do not build vpon that. And therefore I answere secondly, that *Caietanes* reason, is *petitio Principij*, and consequently no reason, taking the very thing in question, though deliuered in other words, for a reason of his saying. For it is the same question, whether an humane law can bind a man vnder mortall sinne, to losse of goods or life, but in case where there is some higher obligatiō proceeding from the law of God, or nature: and whether an humane law can oblige him to loose his fortunes and life, where there is no necessity of profession of his Faith, or other higher bond. And this is it which *Caietan* with one other *Deuine* sayth, and all other *Deuines* gainesay him in. And the reason is manifest. For, a law being to be for the common good, and the power by which it is made, proceeding originally from the people (if we speake of ciuill or Politicall power) and giuen for that end, it were a great abuse of that power, to force men to so great domage as to hazard fortune and life, but where it is meerly necessary for that end:

for men are not suppoſed to be ſo voyde of reaſon, as to caſt away themſelues ſo freely. Now in that caſe of common good the law of nature doth come in, and fortify that bond. The like we may ſay of Eccleſiaſticall humane power, which though it come originally from God, not from the people, yet reaſon doth preſcribe the vſe of it: and a Law made thereby to the domage and hurt of mens fortunes & liues, without a neceſſity, for their eternall good, would rather proue preiudiciall then profitable, and therfore no Law. Nay, to matters of extraordinary difficulty, though otherwiſe good and holy, euen Religious men are not many tymes bound. That Ordinary Example, which authors bring of a Religious man entring heere in *Europe*, who, they ſay, by his generall Vow of Obedience is not bound vpon his Superiours commaund to go to the *Indies* through ſo many dangers by ſea & land: How much leſſe then can ſecular men be bound with daunger of life and ruine of their fortunes, to thinges not abſolutly neceſſary to fayth and ſaluation? Such as is, the not acknowledging

ledging and obeying of my Lo Bishop of *Chalcedons* Ordinarishp. And therfore no matter fit for so great an obligation, as the losse of life, and ruine of a mans posterity. Wherefore that must needs faile, which our *Deuine* buildeth vpon *Caietanes* Authority, as the foundation: to wit that men are bound to loose all, not only for profession of Faith, but also where the necessity of a lawful commaund obligeth them, if he meane the necessity which a commaund doth bring with it subsequent, as an effect; which he must meane for his purpose. For as I haue said all this while, all cõmaunds do not bind in all occasions, and then there is no such necessity, or rather it is no law or commaũd in this case being not able to bind. Therfore to auoyd all ambiguity & equiuocation of the necessity of a lawfull cõmaund, I distinguish and say: If this necessity be antecedent, and such as may be sufficient to ground such a commaund on because the thing is of necessity of it selfe for the saluatiõ of a mans soule or the publique good this commaund is lawful & the necessity sufficient to bind a man to

the losse of life & goods: if not, but only the necessity subsequent, that is, because it is commanded, I say, this is no sufficient ground for a man to hazard all; neyther is it a commaund in this case, hauing no power to oblige, as I haue proued. And so much for our *Deuines* Diuinity, which hath foyled him in this point of Doctrine contradicting the whole current of *Deuines*. Let him looke *Bonacin. to. 2. disp. 2. q. 8. punct. 2. n. 3. & seq.* Now to his temerity againe.

7. The seauenth point of temerity saith he (if I may giue it so sharpe a terme) » is in these words: We also most humbly » beseech your Lordship, to belieue, that » this which we heere present vnto you, is » the sense of the Laity; wheras scarce 30. » Laymen knew of the writing of this Let- » ter: & since they knew of it, many hun- » dreds haue disclaymed from it, & open- » ly protested against it, some of them not » accounting those Catholiques that wrote » this Letter. Hitherto are the *Deuines* owne words. And then he Rhetorically amplifieth it: asking whether it be the sense of the English Catholike laity, that a bishop law-

lawfully sent by the sea Apostolike doth vsurp authority? must do nothing against the setled Order of the state, in matter of spirituall Iurisdiction? That a Catholique Episcopall tribunall is a new Tribunall in England? & so in like sort he reckoneth vp Epilogically al his former temerities, and prayeth, God forbid that such presumption should be the sense of the Laity. And that rather the quite cõtrary is their sense, to wit; to accept the Bishop for their lawfull Pastor, to thanke his holynes for sending him; to be as ready if not more, to vẽture the losse of their estate for entertayning a Bishop their Pastor, as for entayning regular Priests: and this he saith many hundreds haue testified by word, writing, and deeds.

This point it seemeth is a shrewd one in the *Deuines* iudgment: wherfore he would fayne haue a worse tearme then Temerity for it. But let him stay, and see whether it deserue euẽ that, any more thẽ the rest that went before. To say that this is the sense of the layty, wheras scarce 30. knew of the writing of the Letter, he sayth is Temerity. Yea is it euen so? Did

30. know of it? how commeth it thē that all this while you spake but of 3. calling it the three Lay-mens Letter, in the very title, & afterwards continually speaking but of three? It is wel increased suddainly from three, to thirty. But meane while hath not our *Deuine* strangely forgotten himselfe confessing & confuting himsefe out of his owne mouth? For if 30. or neer 30. were priuy to the writing of the Letter, and did not disclayme(as if they had done, the *Deuine* would not haue passed it ouer in silence)it is to be presumed that they did consent therto. If they did consent, then was it their act, not the act of those 3. alone: and what these 3 did, they did in the name of the rest. Therefore those 30. are subiect to al the *Deuines* censures of passion and temerity no lesse thē those 3. But he thought better to lay al vpon 3. because he thought he might be the boulder in his censures, the smaller the number was, therfore he made it lesse to himselfe, though contrary to his owne knowledge, as is manifest by this his Cōfession. Well to go on, we haue 30. may there not be a great many more, that he

doth

doth not know of? Will he arrogate so much to himselfe as to know all that passeth in priuate amongst men? might not many vtter their mynds so priuately in this matter to their friends, as not only not the *Deuine*, but no man else but the party, that they spake to, shall know it? How then doth this *Deuine*, so peremptorily affirme, that there were scarce 30. priuy to it? As if no man did any thing but they came presently and told him: but he must excuse me for not believing that, but rather it is to be presumed that if he could come to the knowledge of 30. there were fiue tymes as many at least, that knew of it, & are not knowne to euery one, considering the secret manner of carrying things of this kind among Catholiques.

And so much this *Deuine* might truly haue imagined, at least believed, when this Letter was deliuered by 3. such persons in the name of the Laity, being euery one of them of such worth, as might deserue credit in a greater matter then this. For it is no way to be presumed, that any one of them would do such a thing in the

name of others without very good warrant from them, especially seing they might be so easily disauowed. Nay it cannot be vnknowne vnto this *Deuine*, that they were warranted by most of the Catholiques of honour and quality, in, and about London, at the tyme of the writing the Letter: for my Lord Bishop himselfe, did then in a manner confesse as much. For to one Noble man very well knowne, he writ, that his Lordships Letter which he had written to disclayme from the Lay mens Letter, appeared vnto him like a staure in a cloud; as if he were the only man that stood for him. And it can be no lesse knowne to this *Deuine*, what a do ther was to haue a contrary Letter writen by some of my Lord Bishop friendes in the name of the laity to the contrary effect. But it would not succeed; & why? But because that none that considered the state of Catholique affaires heere in England and what consequences the Authority of Ordinary brought with it, and withall had any care of their owne fortunes or common good, could thinke it safe for them to ad-

mit of ſuch Authority. It is true, that if a man, aske ordinary people that diue not into the matter, whether they acknowledge my Lord of *Chalcedon* for their Paſtour, or ſome perhaps who vnderſtand the matter better, but haue not much to looſe; it may be they will eaſily anſweare, they acknowledge him for their Paſtor. And this is the way which hath beene vſed, with thoſe hundreds, which this *Deuine* ſayth haue diſclaymed from this Letter. But though they were more, it made not much matter. And though there ſhould be but 30. that were priuy to this Letter, might not thoſe 30. be of ſuch account, as might be more worth then many of this *Deuines* hundreds? I belieue they might. For they are the cheif men for honour and eſtate that are moſt to be regarded in this matter, as being the men vpon whome the credit of the Catholique cauſe moſt dependeth; and who, for a thing that ſhalbe ſubiect to exception, are moſt like to ſuffer: & therfore they might well ſay the Laity, being the cheifeſt and better part; and what they wanted in number they might

counteruayle in worth. This letter then is the ſenſe of the Laity, not wreſted and wrung, not gloſſed and commentaryed by the *Deuine* at his pleaſure, but in the plaine and obuious meaning of the very wordes, farre from paſſion, and temerity, as I haue here ſhewed. And ſo I come to the 3. Section, the title wherof is this.

Sect. 3. *That the motiues of the three men, were not all humayne, and worldly.*

IN this 3. ſection the *Deuine* examineth what the Lay-mens motiues were to reſiſt the reſtoring of Epiſcopall power, or rather to impugne and baniſh it, as he ſaith, according to his vſuall manner, after it is reſtored by the Sea Apoſtolique, which ſeing, ſaith he, that it is diuine, ſupernaturall, inſtituted by Chriſt, appointed by the Holy Ghoſt to gouerne the Church, obſerued alwayes in the Church in all tymes of perſecution whatſoeuer, profitable for adminiſtring Confirmatiõ, hallowing of Oyles, keeping vnity and

good

good life, the motiues had need be good; and then he reduceth al to two: viz. feare of losse of worldly fortunes, and troubles by contrariety of sentences betwixt the Bishops Court and the Protestantes. But then picketh out a third, which he saith, was the true motiue, deliuered somewhat in a couert māner: to wit, that the Regulars may be freed from the Bishops approbatiō. Out of which he deduceth certaine points for the lay men to consider. 1. whether it be fit for them to impugne spirituall & diuine Authority vpon mere worldly motiues, and such as may better be obiected against Priestly Authority, it being forbiddden by moderne lawes; Bishoply authority being not forbidden by them expressely. Secondly whether it beseeme them to reiect Episcopall Authority, and the certaine spirituall commodityes therof, for vncertaine or rather pretended tēporal dangers. Thirdly how farre they are frō the Catholique Africans, who would haue a Bishop, notwithstanding the persecution threatned by the African King if they had one. 4. Whether it beseeme them to impugne a Bishop their Pastor in

behalfe of Regulars not their Paſtours? Fifthly, whether Regulars deſerue this at their handes, ſince for the quiet of their Penitents conſciences, they would not aske the Biſhops approbation, though he offered it vnder his hand and ſeale, that it ſhould be no preiudice to them, whereas the Biſhop for quiet of mens conſciences with his owne preiudice approued Regulars though they would not aske it. This is the whole diſcourſe of this Section.

To which I ſay firſt, that he committeth a very foule fault for a man of learning, in miſreporting and miſtaking the queſtion, by ſaying that the Lay-men reſiſt, impugne, and baniſh Epiſcopall Authority: whereas it is nothing ſo. For it neuer came into the hart of any Catholique man, much leſſe of any of theſe Lay men to queſtion or make doubt of Epiſcopall Authority in general. But the queſtion being of my Lord Biſhop of *Chalcedon* who came into England with a forraine title of a Biſhopricke in Greece, but with Authority to be exerciſed heere in England, what Authority is giuen, what Authority can fitly be exerciſed, & how

far

fat Lay Catholiques ſtand bound, if new Tribunals with power in *foro externo*, or Ordinary power be erected. And he clayming ſuch Authority, they whome it moſt concerned, declared theyr ſenſe and iudgment cocerning theſe points: which it ſeemeth our *Deuine* would needs miſtake and draw the queſtion another way to make himſelfe a little more roome to diſcourſe at liberty, of Epiſcopall Authority, crying out a Paſtor, a lawfull Paſtor &c. becauſe what they ſayd, was ſo iuſt and conſonant to reaſon, as he could not impugne it. Wherfore it is no wonder that of all this deal, he ſaith there is ſo litle ſayd to the purpoſe. Secondly for the motiues, he ſaith not much againſt them; but only taketh vpon him to iudge of the ſecrets of harts, by ſaying, the principall motiue was to free Regulars from approbation. Wherein I might aske him, by what Autdority he taketh vpon him to iudge of ſuch matters as are not ſubiect to the iudgment of the Church it ſelfe? for, *Eccleſia non iudicat de occultis*. But I need not preſſe him heere: for it is ordinary with him to cenſure men meerly out

of his owne imagination. Now for his Corollary demands, I answer to the first, that it supposeth falsly, that they impugne spirituall Authority, which they do not. Secondly, it may stand with very good reason for a man to desire sometymes not to be vrged to the acknowledgment and admittance of such a speciall Authority out of feare of temporall daunger of life or fortunes, which though they be in themselues temporall things, yet being desired or preserued discreetly with reference to a spirituall end, as they may be, and as it may be presumed good men desire them, they are in a kind spirituall. Thirdly, these motiues do not make against Priestly Authority so much as against the Authority of a Bishop, for they speake only of a Tribunall, or power in *foro externo*, which doth not belonge to Priests, as Priests, and which is against our auncient Lawes, as is sayd before, which is worse then to be against our moderne lawes. Besides the Authority of a Bishop is more against our modern laws, for he cometh with Authority and iurisdiction deriued from the sea of *Rome*, not

only *in foro interno*, but also *in foro externo*, which is much more against the intendement of our lawes, howsoeuer it be against the words: and this may appeare by the Proclamations, and Persecutions which haue been for him in particular. Lastly put case the daunger were the same yet God doth bind men to the one, as being a thing of necessity for the saluation of their soules, but not to the other, being no way helpfull to their soules in these circumstances, but daungerous to their Liues and Fortunes.

But because this *Deuine* maketh such frequent mention & so sure account that Episcopall Authority is not more, if not lesse against our moderne lawes then Priestly power, this later being by them expresly forbidde, the other not, as he saith; I thinke it not amisse heere in a word to shew it to be forbidden both expresly, & vpon greater penalty. For first the Law of 27. Eliz. which maketh it felony to receiue, relieue, and maintaine, or comfort a Priest, maketh it felony to do the same to any religious or ecclesiastical person. Now I presume the *Deuine* will not

deny a Bishop to be an Ecclesiastical person: how then can he say, he is not expressly forbidden. It may be he meaneth, because he is not forbidden by the name of a Bishop: true, I graunt the word Bishop is not there; no more is the word monke, or friar; much lesse Benedictine, Dominican, Franciscan &c. and yet who can say that these are not expressly forbidden by the law in the word Religious person? If this *Deuine* say againe that they are forbiddē in the word Seminary, or other Priest, so say I also of a Bishop. It is cleare then, that a Bishop is also expresly inough, & as much forbidden by that law as a Priest: & this our proclamatiōs sufficiently shew, as that 1. *Caroli Regis* for banishment of Priests and Iesuits, wherein the word Bishop was also expressed. Now for the penalty of reconcilemēt, it is true it is treason to be absolued or reconciled by a Priest. And is it not so by a Bishop also? yea verily as much one as other, for in the nature of reconcilemēt neither one nor other is named: where in I cānot but wonder why this *Deuine* should so specially note, that it is treasō to be reconciled

by

by Priests. The matter then for that, is all one.

But to go a little further with him, I say, it is not Treason for a man to heare masse, to receiue the Blessed Sacrament, to be baptized, married, annoyled, or the like, or to do any act in acknowledgemẽt of his Priesthood, except only absolutiõ & reconciliation; wheras it is farre otherwise of a Bishop. For not only to be absolued or recõciled by him, but euen to promise any obedience vnto him is high treason in the Doer, Coũsellour, or Abettor, much more to do any act in conformity of his Episcopal power *in foro externo*, as to appeare before him vpon his citation, to obey his censures, or the like: & this by a law of 23. *Eliz.* (to wit 4. yeares before that other of receiuing, relieuing &c. of Iesuits & Priests) wherein it is enacted that if any person shall promise any obedience to any pretended Authority of the sea of *Rome*, or of any other Prince, State, or Potẽtate, that then such person shalbe takẽ, tried, and iudged, suffer and forfaite, as in case of high Treason: in which words is plainely comprehended Episcopal power

as such; for it is deriued from the sea of *Rome*, whether it be delegate or ordinary. Or if it be Ordinary as that of Bishops in their dioceſſe, and as the *Deuine* takes my Lord of *Chalcedons* to be, then it is like it may be vnderſtood in that word Prince, for ſuch a Biſhop is a ſpirituall Prince.

And that it may yet further appeare that his Epiſcopall power as ſuch, is ſo forbidden by this law, I will put this *Deuines* caſe thus. Suppoſe there ſhould com one in hither ſent by the Pope, without the order of Biſhop, Prieſt, or any other order, but only with Epiſcopall power or iuriſdiction, as he might be, to determine ſuch cauſes heere amoñg Catholiques, as Biſhops do els where in their ſpirituall Courts; would this caſe be comprehẽded in our Lawes thinks he, or not? or would it not be Treaſon for men to promiſe him obedience, come to his Court, obey his cẽſures &c? certainly it would; & euen by this law of 23. *Eliz.* How then can this *Deuine* ſo confidently auerre, that Epiſcopall power is no more againſt our modern Lawes then Prieſtly? But heere now I muſt intreate this *Deuine* to conceyue

me right, for my intentiō is not to inforce Lawes against my Lord Bishop of *Chalcedon*, but only to answere his arguments, which force me to this, to shew that there may be some more daunger in Episcopall then Priestly power, for auoyding wherof Catholiques are not to be blamed, if they be lesse willing to admit of the one, then of the other, now in these tymes, wherein it is but good discretion for men to serue God, and exercise their religion with as little hazard of their Liues and Fortunes as they may.

To the second demaund, whether it beseeme them to reiect Episcopall Authority, and the certayne spirituall commodityes therof, vpon vncertaine or rather pretended daungers. I answere as to the first, that it supposeth falsly, that they reiect spirituall Authority. For they reuerence it, though nothing seemes reuerence to this man, but yielding to his will. Secondly, they do not refuse any spirituall commodity that commeth thereby, as Confirmation, hallowing of Oyles, or whatsoeuer else doth not concerne such manner of Ordinary Authority, as

they cannot safely admit, for the reasons alleadged in their Letter; which this man sayth, are vncertaine or pretēded: which conceit of pretented, so much pleaseth the *Deuine*, that he maketh a distin& section of it, & therfore if it deserue any answere, I will make it there.

To the 3. demaund, how far short they are of the zeale of the African Catholiques, who would rather venture a persecution, then want a Bishop; I answere, it is well knowne, Catholiques heere want no zeale to Bishoply Authority, who haue suffered so long & sharpe persecution for the Authority of the sea Apostolique, which they haue defended with losse of goods, and life, for admitting of Priests sent by the Authority therof: which that holy sea considering, with great wisdome and charity hath so tempered things all the tyme of persecution, that as on the one side it hath sent Priests with sufficient Authority for our instruction, administration of Sacraments, & other necessary matters: so on the other side it hath forborne to presse vs further for the admittance of such Authority, as

is more dangerous then needfull. And who can blame vs if we desire the continuance of the same course still, till God send better times? And if our zeale be the same to the sea Apostolique (for whose Authority we suffer, and vpon whome we desire therfore to depend immediatly, as vpō our proper Pastour) as those Catholiques had to their particular Bishop, of what can any man iustly taxe vs? Are we worse Catholiques? Nay are we not rather so much better Catholiques as we depend more neerly of the Head of the Catholique Church? Besides our case is different from the *Africans* in many respects: they had no other meanes of maintaining the succession of Priests, for administration of the Sacraments, and preseruation of the Catholique fayth, but by a Bishop of their owne; we haue. They desired a Bishop of their owne; we should also be glad of such a one; as for example a Catholique Bishop of Cāterbury, Londō &c. if it might be; but not a Bishop of another Dioceſſe, to come in hither as Ordinary; for that is against our auncient Catholique Lawes. Their Bishops

seas

seas were not possessed by others, ours are: and the like. This *Deuine* therefore doth vniustly taxe vs of want of zeale to our immediate Pastor. Belides, the example of the *Africans* is often answered, & proued to make quite against the *Deuines* end.

To the 4. demaund, which is, whether it beseeme them to impugne a Bishop who is their Pastor, in behalfe of Regulars, who are not their Pastors: I answere, that still this *Deuine* supposeth a false ground of impugning a Bishop. Now for a Pastor, we know not what he meaneth by it. If he meane one with power to preach, teach and administer Sacraments without other ordinary forrayne power, we graunt he is a Pastour. But then why should not other Priests be also Pastours, hauing the same power? and Regulars as well as seculars? for it is not the name of a Bishop only. For any Priest that cometh heere into England is more our Pastor, then the Bishop of *Paris, Lyons, Burdeaux*, or any such Bishop who hath nothing to do heer, but by speciall cõmission; which if it be no more then is giuen

to other Priests, thē is he no more Pastour then they. Will this *Deuine* say my Lord of *Chalcedon* is a Pastour otherwise? Say it perhaps he may; but proue it I thinke he cannot. Sure I am his Breue or Cōmission importeth no such thing, but all the contrary; as that he is Delegatè, his power reuokable, that it is only for the spirituall good of soules It is signified by the word *Facultyes*, which signifieth power in him, but no obligation on the other part to obey, & we vnderstād the ordinary forme of creating a Bishop for ordinary Pastour to be this: *Prouidemus Ecclesiæ tali, de tali persona: & præficimus eum in Patrem, ac Pastorē ac Episcopum eiusdem Ecclesiæ, cōmittentes ei administrationē in temporalibus & spiritualibus, in nomine patris, & filij, & spiritus sācti. Amen*. The omission of this ordinary forme, and auoyding of all words which might signify any power or Authority, maketh vs verily belieue his Holines neuer meant to make him Ordinary, or Pastour, other then in that general sense, that al that are sent with power of instructing men & administring of Sacramēts may be called Pastours. And this power

euery body willingly affoardeth him. As for that which our *Deuine* sayth, that the Laity impugne the Bishop in behalfe of Regulars, I say, that the one is euen as true as the other. For they nether impugne him (but he them) nor do what they do in behalfe of the Regulars, but of themselues, & their owne right: for it is their owne liues & fortunes which they defēd: and as for the Regulars they defend their owne priuiledges of another kynd, & no doubt, will be able of themselues to do it, without help of the Laity, being so learned as to know how farre they ought to yield, or not to yield to his Lordship, and so vertuous as not to deny him any thing that is due.

To the 5. demaund, whether Regulars deserue this at the hands of the lay men, since for quiet of their consciences they would not aske approbation, though the Bishop offered to giue it vnder his hand & seale, that it should be no preiudice to them; wheras the Bishop as the *Deuine* sayth, for quiet of lay men consciences approued the Regulars to his owne preiudice, though they would not aske it.

I answere

I anſwere that lay mens conſciences were quiet enough, till my Lord Biſhop begāne to diſquiet them with needles ſcruples: & that therfore they were not ſo much beholding to him for quieting them afterwards, as they were little beholding to him for diſquieting them at firſt. Secondly Lay men ſaw well enough, it was ſome thing elſe then the quiet of their conſciences which moued his Lordſhip to that courſe of mouing approbations: to wit, to haue his Authority which he pretendeth, therby publiſhed and acknowledged. For otherwiſe he might either haue approued all Regulars without more a do at firſt, or haue dealt the matter priuatly with them: and they denying to aske approbation, he might haue expected the award of the Sea Apoſtolique, without further acquainting Lay Catholiques, who, he might be ſure, for all yet he could ſay, would ſecurely rely their conſciences vpō the word of ſo many, ſo vertuous, and ſo learned men, as are in the ſeuerall Orders of Regulars. Beſides, that they, the Regulars, giue ſo good reaſon in their owne Letter to the Biſhop, and there were ſo many &c

ſo good reaſons alleadged in a ſhorter letter of a Prieſt for that matter, that no mā that would be ruled by reaſon, would either doubt of the power of Regulars to heere cōfeſſions, or thinke that my Lord Biſhop himſelfe, being ſo learned a man, could doubt of it, & therfore they might wel thinke he meant that but by the By, and aimed at another matter principally: and ſo they anſwered that which ſeemed to them the principal matter more largly, and touched the other but briefly.

Now, for Regulars to aske his Lordſhips approbation where the matter was ſo manifeſt, was wholy vnneceſſary; beſids, that though his Lordſhip ſhould giue it vnder his hand and ſeale that it ſhould be no preiudice to them, it is like they knew it might be preiudiciall in ſome reſpect or other: for the very asking it as neceſſary, argueth a dependency. But for his Lordſhips approbation, which this *Deuine* ſaith, he gaue to Regulars with his owne preiudice, I do not ſee wherein it can be preiudiciall, for he approued them but only for a time til the matter be decided, & without preiudice of his owne, or

his

his successours right: wherein then hath he yielded one iot of his right, suppose he had any? Nay this manner of granting it was a putting of himselfe in possession. In which respect the Regulars were wise inough not to make any acceptance of it. Or wherein hath he more obliged the Laymen, then the Regulars haue, vnlesse it be by disquieting them with new pretences? And for some part of satisfaction, approueth all Regulars, whereby he obligeth Catholiques, like as that man doth that first breaketh anothers head, and then giueth him a plaister. So much then for that answere of this *Deuine* demaunds, and clearing what he layth of the Laymens motiues.

But what if before I passe to another Section I should touch a little vpon the the motiue which maketh the *Deuine* and others of his mind to be so vehement in the pursuite of this pretended Authority, that they will heare no reason to the contrary? They say, it is spirituall good of soules by administring the Sacrament of *Confirmation*, by hallowing oyles, by keeping vnity and good life; because it is

the institution of Christ, because it hath beene obserued in Gods Church, in all tymes of persecution. But these cannot be the motiues; for as for *Confirmation* and hallowing of oyles, it is cleare they may be without the authority of Ordinary, & therefore cannot be the ground of such claime. For keeping vnity and good life, it is as cleare, that Authority can do litle in it, as things stand now, and that it is only perswasion and fayr meanes that must do it. For the institution of Christ, sure it is not, that in all places, and in all tymes there must of necessity be particular Bishops in euery particular Dioceſſe, or Country, for if it were so, then should those 10. Popes frō *Pius* 4. to *Paulus* 5. haue offended grieuously in not creating a Bishop heere. Nay these two last viz. *Greg.* the 15. and his Holines that now is *Vrbanus* 8. should offend in not making so many Bishops as we haue Bishopricks. How then can this Deuine inforce out of the institution of Christ, that my Lord Bishop of *Chalcedon* should haue the Authority of Ordinary in England?

For the obseruāce of Episcopal power

in the Church in all tymes of perſecu-
tion, it is true, there haue euer beene Bi-
ſhops, and would ſtill be, though there
ſhould be no Ordinary in England for a
tyme. But where, when, and how, for
particular places, it hath euer depended
vpon the wiſdom of the Sea Apoſtolique,
giuing Biſhops in ſuch manner, and with
extent of power, as time & place hath re-
quired. So when ſome Citties or Coũtries
haue beene firſt conuerted to the fayth,
they haue giuen them Biſhops; when they
haue quite fallen away, they haue for-
borne to giue them any; & now heere in
our Kingdome which hath fallen away
by Hereſy, yet ſo as there be ſome Ca-
tholiques left, with hope of totall reſtitu-
tion of the Catholique fayth, when Al-
mighty God ſhall pleaſe, the Sea Apoſto-
lique dealeth moſt prudently, ſending
men hither with ſo much power as is ne-
ceſſary, and expedient for Catholiques
at this tyme, reſeruing the fullneſſe of
Ordinary Epiſcopall power, till the full
reſtitution of Catholike Religion in this
Kingdome. For, ſo Catholiques are well
aſſured, that his Lordſhip is not Ordi-

nary,

nary, howsoeuer the *Deuine* cry nothing but *Pastour*, and *Lawfull Pastour*, at euery word. But men giue him the hearing: only they cannot but woūnder, that he should so brauely carry out the matter, as if there were no Declaration, or order to the contrary, when he cannot but know that my Lord Bishop hath had more orders thē one to that purpose. Nay that my Lord Bishop hath acknowledged the receipt of them elsse where, though heere he do not, and hath promised to ceasse from further stirring, though we do not yet see the performance of it, vnlesse it be that his Lordship indeed forbeare, but that his Officers wil not be obedient to him in that wherin they may soone do his Lordship much wrong. For their faults wilbe imputed to him.

Now, becausse this *Deuine* sayth Episcopall power hath beene euer obserued in the Church in all times of persecution whatsoeuer, inferring thereupon that here now in England there ought to be a Bishop; I would wish him to consider whether euen in the primitiue Church, the persecution were like ours, in some

respects?

respects: for though it were more bloudy and the torments more various and cruel yet it was but by fits, and generally the Christians had their Cripts placed vnder ground, and howses dedicated to that vse, wherein they had a publike kind of exercise of their faith, & euen by publike allowance; and Priests and Clergy men were distinguished by their habit & tonsure, or shauing of their crowne, as it is vsed now generally in the Catholique Church. But our case is farre different, for heere we haue much ado to heare Masse in a corner, as priuate as may be, without discouery: how much lesse might we haue those other things, which belong to the Authority of an Ordinary. But of this againe in another place.

These things considered, since none of these spiritual cõmodities which this *Deuine* speaketh off are necessarily cõnected with the Authority of Ordinary, neither are so necessary, but that a man may be a good Christian and Catholique without them, they cannot be the true motiue of pursuing the matter with such violence and heate, to the greater scandall and

harme of the Catholique cause, then all the Authority my Lord Bishop would haue, or this *Deuine* haue for him, wil do good: and therefore men are induced to thinke that the true motiue is Ambition, desire of Rule, interest in the fortunes of Lay men, disposing of Legacies *in maius bonum*, as would be pretended, iudgemēt of controuersies betweene party & party without their consents; and by little and little to draw into practise a vexation, by the seuerall tribunals, vpon Catholiques. This I will not say, but surely there be great presumptions for it; for if their reasons were good, they would carry things with more tēper, they would with a litle more patience endure to heare men propound their reasons to the cōtrary; they would quietly expect the determination of the Sea Apostolique, and obey it when it commeth: besids that, in their very discourses they cānot but bewray somwhat of their minds, concerning Legacies & monyes for pious vses. But I will say no more of it, but passe to another Section.

Sect.

SECT. IIII. *That the Temporall daungers are not meerly pretended.*

THE *Deuine* in his 4. Section laboureth by many reasons to proue, that the tẽporall Daungers are but pretended; which is but euen the same that he said in the former Section in other words. For though he sayth in the title that their motiues were worldly, yet in his discourse he sayth, that those were not their true motiues, but their passionateneſſe to Regulars; and so he sayth heere: yet I must yield to follow him, though he saith but the same things ouer againe. His first reason to proue the daungers to be only pretended, is, because they neuer mentioned those daungers till approbation was moued to Regulars, which was about Easter 1627. whereas Episcopal Authority had beene restored since the yeare 1623. I answere first, that wheras he sayth that Episcopall Authority was restored, I see not how that can be said to be restored which neuer was: for when was there e-

ner a Bishop of *Chalcedon* in Englād with power of Ordinary in England, before this mans predecessour? Secondly Catholiques did little dreame at first of any such Authority, as my Lord Bishop challengeth. For the forraine title of *Chalcedon* gaue thē some assurance, that he was not to be a Bishop, like as in former Catholique tymes. And though they heard somtymes of the word Ordinary amōg some of my Lords Clergy, yet they made no great matter of it, not knowing any great ground. Notwithstanding they were desirous to know, what Authority the Bishop had, and for that cause vsed all the meanes they could to see his Letters, or Faculties, but they could not get a sight of them; which made them begin to suspect somwhat, and so they began to be a little more carefull then before, especially hearing of diuers things done by my Lord of *Chalcedons* officers, as Excommunicating of some, and threatning others; as also comming to see the Letters Patents wherby his Lordship did create his Archdeacons, true and lawfull Rulers, and Ecclesiasticall Superiours of the Laity;

which

which when they saw, they began to cõsult among themselues what was fit to be done. And all this was before, that euer my Lord of *Chalcedon* moued any thing about Approbation of Regulars. And without question they would haue done what they did for their owne security, though the matter of Approbation had neuer beene moued to Regulars. It may be when they saw the flame breake out so strõg against Regulars, who were otherwise exempt, by challenging of a thing which could not belong but to a proper Ordinary in his diocesse, it might quicke them, & make them go about what they were doing, with a little more speed, and therupon they drew certaine points concerning my Lord of *Chalcedons* Authority, in which they were desirous to be resolued, and all of them concerning themselues, and such as they had heard, many of my Lord of *Chalcedons* Officers and friends speake of, as things that were like to be put in practise. But because it was not fit for the to go vpon vncertaine reports, they were desirous to know of my Lord of *Chalcedon* himselfe what his

Lordship did conceiue to belong vnto him; so that this *Deuine* is cleane out of his way, in making the matter of approbatiō of Regulars, the cause of the Laymens stirring.

His second reason to proue the daungers to be pretended only, is, becausse no man hath beene in daunger since the restitution of Episcopall Authority. For answer to this reason, I remit this *Deuine* to a great friend of my Lord Bishops, who is wont to alledge his fauour to my Lord Bishop, for a reason of the Kings displeasure towards him. I might for answer also alledge the Proclamations, & much and continual searching for him, which hath brought so great vexation vpon Catholiques, and vpon many Priests taken by his occasion, but that I list not much to medle in such a matter as this. Only this I may tell the *Deuine*, that my Lord Bishop himselfe, as I haue beene credibly informed, tooke notice and exceptiō to the speachs of some Catholiques of worth, who spake feelingly of what they suffered by his occasion, and wished he would for auoyding their trouble, withdraw himselfe:

which

which sheweth that Catholiques find the contrary of what this *Deuine* would make them beleeue.

His 3. reason is, because there can be no greater daunger iustly pretended against one Bishop, then against so many Priests, they being forbidden by the moderne lawes, and he being not forbidden by either moderne or anciet lawes. Wherto I answer, that as I haue shewed before, the daunger is far greater. For Episcopall Authority is so much more forbidden, as it is greater Authority, derined from the sea of *Rome*, and a double Authority. For besides the iurisdiction of *forum internum*, which Priests haue, the Bishop would haue another of *forum externum*, which is much more against the moderne lawes, then the former. Besides that I haue shewed before, that the Authority which my Lord Bishop of *Chalcedon* challengeth, is truly against our ancient Lawes.

The 4. reason is, because there is no Law ancient or moderne against Catholique Episcopall Authority: for the ancient lawes forbid an extraordinary Tribunall, as that of Legates, and ordayno

only

only for Catholique tymes, when there were true Episcopall tribunals, which they would not haue disturbed by extraordinary Tribunals, and so are rather in fauour of vsuall Episcopal Authority, as the Bishop of *Chalcedons* is, then any way against it; that they are only against a new Tribunall, such as a Catholique Episcopall tribunall is not.

For this reason I answere, it is the same with the former, and hath beene oft repeated; the often repetition of the same discouering the want of matter the *Deuine* hath. The substance of the argument I answered fully before in the answere to the 2. poynt of Temerity, where I shewed this Tribunall, which he pretendeth, to be new, and to be by many degrees more neere a Legatiue, then an Episcopall Tribunall, though indeed neither; and so not onely extraordinary, but most extraordinary. Heere therfore I wil onely speake of that, which the *Deuine* decideth so plainly of my Lord of *Chalcedons* Tribunall, in saying the auncient lawes are rather in fauour of vsuall Episcopall Authority, such as my Lord Bishop of

Chalcedons

Chalcedons is: wherin I cánot but note how this *Deuine* is a little more free in auouching my Lord Bishops Tribunall, or power in *foro externo*, then I belieue my Lord Bishop himselfe or some of his more wary Officers are, when they write, or speake to men of vnderstanding.

For though my Lord Bishops words in his owne Letter did seeme very plaine in this point, as that he was delegated by his Holynes to an vniuersality of causes belonging to Ordinaries, and that he was made a Iudge *in prima instantia*; yet afterwards in a certayne Letter, to a Lady, which hath beene seene vnder his owne hand, his Lordship sayth, that concerning the new Tribunall, which some say he hath erected, it is a meere fiction, inuented without ground, for he neuer thought of erecting such a Tribunall, and that his Authority ouer them, is meerly spirituall; as the wordes of his Breue are, *in Spirituale bonum Catholicorum*, to wit, to administer to them that Sacramēt, which they cannot haue, but by a Bishop &c. And in conformity hereof, there being a meeting appointed by some of the Clergy a

gy, and some of the Layty, and Conference held concerning this Letter of my Lords to the Lady, those of the sayd Clergy, that were there (and were lyke to know most of my Lord Bishops mynd) acknowledged; and conformably themselues sayd, that my Lord Bishop neuer intended any such Tribunall. And it went so far, as that the Lay Gentlemen drew a certayne Letter to the same effect, in explication of his Lordships first Letter, in which he sayd his meaning was mistakē, which his Lordship might please to write to the Laity, expressing as much to thē, as he had done to the Lady; which though it were no more then he had already written, and was confessed by his owne officers, yet he would not write it: for what reason I know not.

Nay, this *Deuine* himselfe in mayntayning this Tribunall, seemeth a little contrary to himselfe. For in his first section, and 3. point of Passion, he complayneth of the Gentlemen for stretching, as he sayth, my Lord Bishops words vpon the Teter hooks, in that they vnderstood his Lordships words of an Episcopall Tribunall,

nall, or power, in *foro externo*. Whereas, ſayth he, the Biſhop ſpeaketh onely of ſuch Authority, as Ordinaries haue, or can haue in their Dioceſſe, and which was ſufficient to exact of Regulars, that they ſhould aske his approbation. And a little after: Where, ſayth he, in all the Biſhops Letter, is there one word of temporall Authority, or of Authority ouer temporall fortunes, or ſuch as haue beene altered or directed by our Temporall Princes? What word then of the Biſhops enforced them to make this ſenſe? None ſurely but their owne paſſiõ, which made them make this forced ſenſe, this forced inference. Theſe are the *Deuines* owne words: which I do not ſee well, how he can reconcile with his words in this place. Wherfore, though I will not take vpon me to teach ſuch a *Deuine*, yet I may ſay he ſhould haue beene better aduiſed, and agreed better vpon his tale, both with himſelfe and with others of his owne ſyde, before he had fallen to write; and ſo perhaps he might haue ſaued himſelfe all this needleſſe labour of writing, and me the labour of anſwearing; for

neyther he, nor any elſe can well tel what Authority they would haue for my Lord Biſhop; onely Authority they would haue for him, and for themſelues: But what, or how, they cannot tell. For, fayne they would haue his Lordſhip to haue Authority of Ordinary: for without that, they cannot ſo well compaſſe their ends; nor with it neyther, I may truly ſay. And yet they find ſuch mayne obſtacles on the other ſyde, making it not only difficult, but euen impoſſible, that they are fayne for ſhame ſake to deny all ſuch pretences. And thence it is, that ſometymes they ſay one thing, ſometymes another. Sometymes that he is Ordinary, ſometymes that he hath faculties only for the ſpirituall good of Catholickes, &c. And they are ſo nice and wary, when they ſpeake with people that vnderſtand things, or may make any vſe of their words, that one cannot tell well, what they ſay; and yet they are more free of their tongue, then their penne. For they will not giue halfe that vnder their hands, which they talke freely. But if they went vpon a ſure ground, and

meant

meant nothing but wel and fairely; what should all this need?

Well then; so it is, that the *Deuine* doth heere challenge more Authority for my Lord Bishop, to wit, a true Episcopall tribunal, then his Lordship doth for himselfe. For in his sayd Letter to the Lady vnder his own hand, he saith it is a fictiō: to which Letter I remit this man for answere to his 4. reason. After these 4. substantiall reasons to proue that the daungers are only pretended, this *Deuine* cometh to answere that which the Lay men say in their Letter; that the execution of this Episcopall Authority, alloweth no possibility of secrecy, by asking, why not aswell as the execution of Priestly function, who say masse, preach, and communicate before many scores of men, women, and Children; whereas to the Bishops Tribunall there come no children, few women, and not many men. He asketh moreouer how the Bishop hath gone ouer almost all England, and confirmed many thoulands with sufficient secrecy? How was secrecy kept in the primitiue Church? How is it now kept in

Ireland and *Holland*?

To this I answere, first, that it is no wonder, that such men as this *Deuine*, relate the case of English Catholiques elswhere as they please to strangers, when this *Deuine* will tell men heere at home such a tale as this is in writing. Secondly I tell him, though he cannot but know it, the Execution of Episcopall Authority in a Court, is of its own nature publique. There must of necessity be a Iudge, and other Officers; there must be partyes; there must be witnesses, there must be writing; there must be records: some must be sometymes grieued; some will complaine, some will appeale. Is any of all this needfull in hearing of Masse, Sermons, or receyuing of Sacraments? May not a man heare a Masse, confesse, and communicate without a Iudge, a Summoner, a Notary, without an accuser, a witnesse, without a writing &c? What then doth this *Deuine* meane to bring such an argument? Suppose there be 10. persons at Masse, may there not be one alone? Can a busines be so dispatched iudicially in a Bishops Court, without

writing,

writing, witneſſe, or Officer? Nay againe, ſuppoſe there muſt of neceſſity be 20. at Maſſe, and a buſines in the Biſhops Court might be diſpatched but with the priuity of 2. men, would not euen this be more publique in regard the things muſt remayne in writing, with note of place, tyme, and other circumſtances; or that one of the partyes may be grieued, as it falleth out commonly, in matters of ſuite?

For the Secrecy of the Biſhops going ouer a great part of England & cõfirming, I am full glad that he, & they haue done ſo well with it, and wiſh they may do ſo ſtill. But for all that, it is not good bragging: and as ſecret as it is, I know many a right good man, that would be loath to haue it ſo well knowne, when he hath a Prieſt in his houſe, as it is knowne wherſoeuer almoſt his Lordſhip went: and the ſecrecy it ſeemeth, was ſo great in ſome places, that there was a great complaint made in Parliament, to what bouldnes the Papiſts were growne, to haue a Biſhop, to whome there was ſuch reſort in a certayne place in *Staffordshire*, where he con-

confirmed many, and shewed himselfe in his Pontificall Ornaments.

Thirdly I answere, that suppose the Bishops going vp and downe and confirming were as secret, and voyd of daunger as this *Deuine* would haue it, what doth it make for his purpose? Which is to proue that a Bishops Tribunall alloweth as much secrecy, as the exercise of Priestly function? For who doubteth but the Bishop may if he will, confirme a man as priuatly, as a Priest may communicate him? Doth it then follow, that he may with the same priuacy iudge, and determine a controuersy betweene party and party? What manner of arguing then is this?

Now for the Primitiue Church, which our *Deuine* speaketh of, I sayd a word before, and it is cleare there is a great deale of difference. For that persecution was more by fits, more violent for the tyme, but shorter; & in the interim, there were such calmes as Christians had free resort to publique places of prayer and sacrifice, and houses deputed and dedicated for that vse, and that not onely by a con-

niuency,

niuency but euen by publique allowances of the Emperours, restoring vnto them their Churches, & permitting of free accesse to them, & the Cemiteries or places of buriall, where the bodyes of the Christians and Martyrs reliques were buryed and kept. There was an outward apparēt distinction in habit and haire, betweene Clergy men & others. Where hath there beene any thing like this, all this time of Schisme in England? Haue not men inough to do, to heare a Masse priuatly in a corner? Where is there a Church to say Masse, or to preach, or an Oratory for men to meet & pray togeather, or Church-yard for Catholiques to bury their dead? Or where is there a Priest, or Religious man that goeth publiquely in his habit, or with his crowne shauen? Would not any man count one halfe mad that should go so, because they did so sometimes in the Primitiue Church? What wonder then is it, if in the Primitiue Church Bishops kept their Tribunals, & Prouinciall Councels, met with many scores of Bishops, as the *Deuine* sayth? Though by his leaue, they met not so freely, nor exercised their

Authority so much at all times; to wit, in those hoate fittes of persecution. And what a wonder is it for our *Deuine* who must be supposed to haue a little knowledge of the Ecclesiastical History, to bob men heere in the mouth, with the state of the Primitiue Church?

The same is of *Ireland* and *Holland*. For *Ireland*, Catholique Bishops haue still continued in their seuerall Seas, with their proper titles, heresy hauing neuer taken so deep roote there. But heere it is well knowne, that when our Catholique Bishops were suppressed, they, during their liues, forbare the exercise of that power which they were in possession of; & the state of things being such as it was and impossible to exercise Episcopal Authority: wherefore the Sea Apostolique did not put any Bishop in their place, during the space of 60 yeares till of late, the state of things nothing changed but only that for matters of life & death the lawes were not so rigorously put in execution, vpon information of some men, who longed for Mytres, as if the times were now for it; *Gregory* the 13. of happy memory

condescended to their importunity, sending one with Title of a Bishop, but not with that full power, which belongeth to a Catholique Country: which experience sheweth to be more then the times can well beare. What comparison then betwene *Ireland*, and *England*?

Now for *Holland*, though considering the littlenesse of persecution, they might ten tims better haue a Bishop there then we heere; yet they haue only a Bishop with a forraine Title, and I believe with power farre short of that which this *Deuine* would faine haue for my Lord of *Chalcedon*. Where if they had Bishops, & Bishops Courts as we haue, such lawes of auncient and late times as we haue, I doubt whether they would haue euen that. But to be brief, I say in a word, that our Kingdome is more different frō both *Ireland*, and *Holland*, then they two are from perfect Catholique countryes. And whereas this *Deuine* bringeth a place of Scripture for proofe of the prouidence of God, thereby to make men not so to stād vpon secrecy, I may bring two to the cōtrary. One is that of our Sauiour *Math.*

4. *Non tentabis Dominum Deum tuum*, thou ſhalt not tempt thy Lord God, as they do that put themſelues into needleſſe perils. Another is that of our Sauiour alſo which he gaue to his Apoſtles, when he ſent thē to preach, *Matth.* 10. *Ecce ego mitto vos ſicut oues in medio luporum: eſtote ergo prudētes ſicut ſerpentes, & ſimplices ſicut columbæ: Cauete autem ab hominibus, tradent enim vos &c.* Behould I ſend you as ſhep amiddeſt wolues, be therefore prudent as ſerpents, and ſimple as doues: but beware of men, for they will betray you &c. Which admonition is as proper for our Country, & our tymes, as euer it was for any. And therefore notwithſtanding our *Deuines* confidence, I ſhall wiſh ſtill, that with ſincerity and zeale, men ioyne prudence, or elſe their zeale may do more harme then good. And we find by experience, that the prudent ſecrecy of ſome hath beene a greater meanes of preſeruing Catholique Religion in theſe hard times, thē the ouer-hardy zeale of others. And ſo much for the fourth Section.

Sect.

SECT. V. *That their cause of publique disauowing the Bishops Authority is not pretended, and feigned.*

WHEREAS the Catholiques in their Letter say, that it was vnsafe for them to haue beene silent so long towards his Lordship, so clayming & publishing his Authority; this *Deuine* saith, that they pretend the cause of disauowing the Bishops power of Ordinary, was the feare of daunger of the State, if they had not so done. Which to be meerely feigned he proueth by many reasons, all of them almost alledged, and answered before. But as he alledgeth them heere againe, so must I be faine to repeat the answers. The first is, because no vsuall Authority of an Ordinary, which alone the Bishop claymeth, but at most Extraordinary of Legates and such like, was forbidden by the ancient lawes, without the Princes approbation. I answere as before, that my Lord Bishops Authority which he claymeth is not that vsuall Authority of an

Ordinary, but that extraordinary of Legates; and such like; as appeareth plainly by the wordes of his owne Letter; wherin he sayth, he is not Ordinary, *Ordinario modo*, but *Extraordinario*, as Legats, Nũtio's, & such like. Now that is vsuall Authority for an Ordinary, which is had in the vsual manner: therfore that Authority which he claymeth, is that, which is forbydden by the annicent lawes.

The 2. reason, becausse those lawes were made for Catholique tymes, and in fauour of Catholique Ordinaryes: not for herelicall tymes, and in fauour of hereticall Ordinaries against Catholiques. I answere; well, be it so. Doth this *Denine* thinke in his Conscience such an Answere would quit a man that should stand at the barre for acknowledging of my Lord Bishops Ordinaryshippe, or Iudicatiue Power? Sure he cannot thinke it; For though the law were made in a Catholique tyme, when they litle dreamed of such a change, as hath beene since; yet now the tymes are changed, and Protestant Ordinaryes are come in place of Catholiques; all the power & priuiledges

of

of the one conferred vpon the other; and the Law not repealed, are not men still liable? What with right, and what with might, queſtionleſſe, a man would be found guilty.

For his 3. reaſon, he ſaith, he much ſuſpecteth, that only priuity doth not make a man guilty, but granteth it of acknowledgement or participation? But he asketh, what need they had, to take knowledge of ſuch Authority? For, the Biſhop, he ſayth, wrote but one Letter of this matter, which came to few hands, and far fewer can be conuinced to haue ſeene it. I anſwere, that for the priuity, though this *Deuine* ſay he ſuſpecteth that wil not make a man guilty, yet I preſume he cannot be ſo bad a Lawyer as not to know that priuity in matter of felony or treaſon maketh a man acceſſary, if he but onely know it, and not diſcouer it. If acceſſary, then certaynely guilty: and this is generall in all criminall maters without exception. Why then, ſhould he make queſtion in this matter? Or taking knowledge of it, I would faine heare how could any man auoyde it? Suppoſe any man

ſhould

should haue been questioned for acknowledgement of his Lordships Authority, could he pleade ignorance of his Lordships clayme, it being made, by a Letter written to all the Catholiques of England, for their satisfaction, and to let them know, what Authority he had? Would it seeme probable that any Catholique should not see, or heare of such a Letter? Now that the Letter was but one, that it came to few hands; It is true, it was but one: But that one was inough, and more then inough. For what he sayth, of the Letters comming to few hands; I answere first, it seemeth by the matter and manner of writing, to haue beene my Lord Bishops intention that it should come to more. Secondly, it is well knowne, that there were more copies made, and some of my Lords Clergy had the care speedily to diuulge it; so as it was diuulged in some remote parts of England, at the very same tyme it was published heere. How then can this *Deuine* say, the Letter came but to few mens hands? And for being conuinced to haue seene it, in so publique a thing as that

was, no man will ſtand to proue it, but preſume it, as any man wel may. For what Catholique could be ignorant of it?

The 4. reaſon is, That many monethes before my Lord Biſhop published his Authority of Ordinary, theſe Gentlemen ſent Interrogatories (as this *Deuine* termeth them) vnto him to haue him declare whether he was Ordinary or no. So as he ſayth, they were rather deſyrous, he ſhould declare himſelfe to be Ordinary then conceale it. It is true, Catholiques ſaw many things they could not tell what to make of; and ſo might be willing to know certainly, and from his Lordſhip himſelfe what Authority he had: but might not the anſwere haue beene priuate, as the demaunds were? They were deſirous to know, but not ſo, that all the world muſt know, they knew; had they knowne in priuate, they might haue repreſented the inconueniency and daungers priuately to my Lords conſideration. But his Lordſhip feared ſome ſuch thing, and therfore made anſwere in ſuch publique manner, as to carry the matter cleere, without reply. But that

put men vpon a greater neceſſity of reply. As for that which he ſayth, that they ſeemed deſirous he ſhould declare himſelfe Ordinary, it is playne they deſyred it not, but the cleane contrary. But whatſoeuer it was that he pretended, they deſyred to know it.

The fifth reaſon is, That the Biſhop euer ſince his comming auouched himſelfe Ordinary, and till the matter of approbation of Regulars, his Ordinaryſhip was not queſtioned, nor daunger pretended; whereof, he ſayth, they cannot deny, but they had ſome priuity. I anſwere that heere againe the *Deuine* forgetteth himſelfe, for he was angry before with Catholiques, for vnderſtanding the Biſhops owne words in his Letter ſo plainly of his Ordinaryſhip, and yet he would haue them take notice of ordinary vncertayne reports. It is true therefore that they heard ſometymes ſpeaches, as if he were Ordinary, but they made not much account of them (for his predeceſſour was ſometymes ſayd to be Ordinary alſo, and yet he neuer pretended any Authority ouer them, that they could heare.) But when

when they heard of many things, which his Lordships Officers did, and of peremptory, and Authoritatiue Letters which they writ, with the Iudicatiue manner of proceeding of some Rurall Deanes, and saw the very Patents or Letters of Institution of Archdeacons playnely signifying the same, then they beganne to looke about them, and to enquire a litle more of that Ordinaryshippe, what it meant, and whether my Lord of *Chalcedon* tooke himself to haue the same power, which Bishops had heretofore in Catholique tymes, and so sent to his Lordship to know it from himselfe; so that all this while they had no priuity of it, nor after, till his Lordship published it by his Letter.

The 6. reason: They gaue this Letter to be sent to Rome, and as some say (saith he) long before they sent it to the Bishop, and desired the Bishop, that it might be knowne abroad: Now, to what end was it sent to Rome, and desired to be sent abroad, if it were made only for the state? I answere, that the *Deuine* with his (as some say) is egregiously mistaken in say-

ing the Letter was sent to Rome, before it was sent to the Bishop, for there be others that know better then all his (some sayes) if there be any besides himself, which auerre the contrary. Now for the demaund why it was sent to Rome, and desired to be sent abroad, if it were onely made for the State? I demaund againe, where he findeth that it was made onely for the state? If he meane that the chiefe reason of writing it, was to declare the dangers & inconueniences which might fall vpon them from the state by acknowledgment and admittance of his Lordships pretended Authority, it is true: but that is not all one, as to say, that it was made onely for the state. For it was made principally for his Lordship, & for those, of whome his power, and the enlarging and diminishing therof doth depend, to see; that considering the daungers and inconueniences, both his Lordship might please to desist from such pretensions, & others forbeare to graunt such power as was so daungerous, and so peiudiciall to Catholiques. Now what inconsequence was there in this to desire his Lordship to

make it knowne abroad? or fearing with themselues (for they expressed no such feare to him) that he would not, they sent it by some other meanes? What a doughty reason then is this, to proue the Catholiques cause to be pretended, and feigned?

The 7. reason: When Father *Campian* came in, and made publique chalenge of disputation in print, and proclamations were made agaynst him, what Catholique did publiquely disauowe him, or his Authority, or faculties? My answere to this is, that I see not what there is to answere; for what likenes can there be imagined in this argument, saue onely the publiquenesse of Father *Campians* chalenge of disputation, and the publiquenesse of my Lord Bishops clayme of Authority? Which if it be sufficient, then I will make the *Deuines* argument a little better for him, by asking, why Catholikes do not disauow al Letters, or Breues of the Sea Apostolike nay al bookes written of Controuersies, in defence of the Catholique Fayth for these are publique? Now, I assure my selfe there is no *Deuine*

in the world so dull, but can easily find a great deale of difference betweene these two last, and my Lord Bishops Letter, though one be much more like the instance of *Father Campians* challenge. But because the *Deuine* perhaps will not be willing to find a difference, I will do it for him. It was not *Father Campians* doing nor meaning to publish any such challenge, but made two Copies of his writing, one to haue about himselfe in case he should be taken suddenly, before he should haue time to do any thing, of what he came for: and another in a freinds hand, with order to publish it when he should be taken, if by chaunce, as it was most like, his aduersaries should suppresse that which he should haue about him. But his friend not obseruing this order, goeth and publisheth it of himself. So the publishing was not his doing. Besides it was a particular acte, which concerned himselfe only, without relation to Catholiques, no matter of Authority, or iurisdiction eyther *in foro externo* or *interno*, but a necessary defence of the Catholique fayth at that tyme, no exercise so much

much as of Prieſtly function, but a thing which any Layman, for the thing it ſelf, might do. What need then of diſauowing his Authority, or Faculties for that matter?

Now, my Lord Biſhops Letter was intended to be publique, as being written to Catholiques, ſo that they could not but know of it, hauing alſo for the matter particuler relation to them; the ſubiect of the Letter an authority of an outward Court or Tribunall, not neceſſary at this time, nor conuenient for the defence or propagation of the Catholique faith, but offenſiue to the State, dangerous to Catholiques, as being contrary to the auncient, and moderne lawes; grieuous in regard of many inconueniences, which it bringeth with it; and the very knowledge, much more admittance wherof, bringeth daunger. What then doth this *Deuine* talke of diſauowing Authority & facultyes ſuch as *Fa. Campian* had, as if any mā denied them to my Lord Biſhop? No, no man denieth, or diſauoweth thē, or any thing elſe of my Lord Biſhops, but only they deſire not to be preſſed to the admit-

admittance of that Authority of Ordinary, which without any furtherance, or any the leaſt neceſſity of their ſpirituall good may bring many temporall dangers vpon the, & put them into more ſtraites, then they haue beene this time of perſecution. Which truly, is but a very ordinary, and reaſonable requeſt. There is no affinity therefore betweene my Lord Biſhops claime of Authority, and *F. Campians* challenge of Diſputation.

The eight reaſon. It is more notorious, that there are many hundred of Prieſts then one Biſhop, and more ſeuere lawes againſt any priuity or participatiō with them, then for the Biſhop; and yet theſe men, ſayth he, make no publique diſauow of Prieſts Authority, nor account thēſelues vnſafe for hauing beene ſo long ſilent. I anſwere, that the reaſon is idle. Suppoſe there were as many thouſands of Prieſts, as there are hundreds, nay if there were as many Biſhop as there are Prieſts, if they had not the power of Ordinary what were that to our purpoſe, the queſtion being of an Ordinary with power in *foro externo?* Now for the daunger

ger of a Prieſt or Biſhop whether greater, is impertinent as long as the one is neceſſary, the other not. Beſides that, ſuch Biſhoply Authority with the daungers, and incõueniences proper to it ſelfe, bringeth with it the daũgers of Prieſtly Authority. The *Deuine* could not; but know thus much of himſelfe, and yet he muſt put downe this reaſon to make number.

The ninth reaſon; None but theſe 3. and ſome few of their adherents apprehend this daunger of being ſilent, touching the Biſhops Authority, & yet many haue more to looſe then they; & a Noble man tould them by publique Letter, that *Timebant, vbi non erat timor*. I anſwere, for the number, and worth of the Perſons that apprehend this daunger, there is enough ſayd before: & the thing is ſo well knowne, that ſurely this *Deuine* would not haue ventured his credit by ſpeaking ſo apparent an vntruth, but that he concealed his name. For the Noble mans ſaying, I anſwere it with the wiſemans ſaying, *ſapiens timet, & declinat à malo: ſtultus tranſilit, & confidit*. The wiſeman feareth and auoydeth euill; the foole leapeth ouer

and confideth.

The 10. reason; The Monkes made clayme of a farre greater Authority, and farre more daungerous to the Laity, and in a more publique māner by many printed copyes, and yet theſe men do not go about to diſauowe the ſame publiquely. I anſwere, that till my Lord Biſhops Letter no man heard of any ſuch matter from the Benedictines, or any elſe. Therefore if there were any daunger in their clayme we may plainly thanke my Lord Biſhops Letter, as the cauſe thereof. Secondly, the ſame Letter wherby the Catholiques deſired to be excuſed from my Lord of *Chalcedons* Ordinaryſhip, is ſufficient againſt that, or any other booke, that ſhal clayme ſuch Authority, as things ſtand heere in England, and therefore there needeth no other diſclayming. Now for their claime, I do not ſee that for the preſent they exact any ſuch matter of ſubiection from Catholiques, but only ſay, they keepe a kind of poſſeſſion of their ancient right, againſt the tyme ſhal ſerue for it; and that if they would ſtand vpon it, they might better do it then my Lord

of

of *Chalcedon*. Now what offence or daunger is this to Catholiques? And for the publiqueneſſe, the booke is printed indeed, but no way directed to Catholiques, but to their owne Religious. But this *Deuine*, that in this place thinketh much, that we do not disauow this Booke, I preſume, was priuy to another Paper deliuered vp at Rome, wherein it was ſayd, that the Laysy were much offended at ſuch a vaſt claime: how do theſe hang together? But that was for the purpoſe in that place, & this, it ſeemeth, in this; and he perhaps thought the ſame man ſhould neuer come to ſee both the papers. But as cloſe as that and ſuch like papers are carried by this *Deuine*, & his friends, they come to light one way or other, little to their credit, that care ſo little for truth in what they ſay.

The laſt reaſon, is deliuered by the *Deuine* in theſe words: Laſtly what needed they to haue inceſed the ſtate againſt the Biſhop? therefore theſe pretences are *adcoloratas excuſationes in peccatis*: whereas the true cauſe was to help ſome Regulars to banish Epiſcopall power out of

England. This is the *Deanes* Conclusion. Whereto I answere: that for a conclusion I did expect a concluding reason, but it is so farre from concluding, that I see no shew of reason. For how doth the asking of this question, what they needed to incense the State against the Bishop, proue that the cause of writing their letter, was pretended? The *Deane* might haue made this a motiue, which might haue moued them not to write their Letter to the Bishop in that manner: but to make it an argument to proue, that their pretence was faygned, I see not with what Logick it can stand. But now for the matter, it is a strange thing, that a *Deane* should haue no more scruple then to charge me of knowne vertue, and wisedome, with incensing the State against the Bishop. Were it not more time for him to study his cases, & examine well his Conscience, then to stand censuring men so deeply, and so iniuriously? What do they say tending this way? That the erecting of a new tribunall, will moue the State to a more exact search &c? For this, I haue answered before, and shewed, that this is sayd

to

to the cleane contrary end; to wit, to decline the Search and Persecution, which his Lordships clayme would bring vpon himself and others; and by their saying to appease that which his Lordships doing would incense. Which if it seeme preiudiciall vnto him, is wholy beſydes their meaning: and he may thanke himſelfe for it. For they in this, do but defend themſelues, *cum moderamine inculpatæ tutelæ.*

Therefore to anſwere this *Deuine's* applied place of Scripture, of excuſes in ſinnes, I may now aske him in behalfe of theſe Gentlemen, and all others whoſe letter it was: *Quis ex vobis arguet me de peccato? Si male locutus ſum, teſtimonium perhibe de malo: Si autem bene, quid me cædis?* Who of you will accuſe me of ſinne? If I haue ſpoken ill, beare witneſſe of the ill: but if well, why doſt thou ſtrike me? And for the laſt word of all, that the true cauſe was, *to helpe ſome Regulars to baniſh Epiſcopall power out of England*, being but a bitter gall belike of a diſtempred ſtomack to end withall, and deſeruing rather pitty, then anſwere, I let it alone: wiſhing this *Deuine* the ſame meaſure of Charity,

which he desireth of Authority, both for his owne good, and the quiet of others, being more his friend therein, then himselfe.

AN ADVERTISEMENT.

GOod Reader. This Treatise was written two yeares ago, whē the forsayd *Iudgement of this Deuine*, began to go vp & downe; but that other Bookes cōming then out, and ministring other occasion of Discourse, the Author thought better to let it alone; as he would haue done wholy, but that now of late the same *Error of the Catholiques*, being a new published, with *A Declaration* to the same effect, some of the other side, began to repeate their former vngrounded Discourses. For rectifying whereof, and stating the Question aright, the Author hath thought fit, now to publish the same.

FINIS.